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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fourteenth periodic report of States parties due in 1999

Addendum

Denmark*

[8 January 1999]

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* This document contains the fourteenth periodic report, due on 8 January 1999. For the thirteenth periodic report of Denmark and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/319/Add.1 and CERD/C/SR.1220, 1221 and 1230.

The information submitted by Denmark in accordance with the consolidated guidelines for the fourteenth of the reports of States parties is contained in the basic document HRI/CORE/1/Add.58.

The annexes to the report submitted by the Government of Denmark may be consulted in the secretariat's file.

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CONTENTS

		Paragraphs
I.	GENERAL OBSERVATIONS	1 - 3
II.	INFORMATION RELATING TO ARTICLES 1 TO 7	55 - 61
	Article 1	4 - 8
	Article 2	9 - 101
	Article 3	102 - 134
	Article 4	135 - 151
	Article 5	152 - 251
	Article 6	252 - 267
	Article 7	268 - 302
III.	REPORTING ON GREENLAND	303 - 365
IV.	REPORTING ON THE FAROE ISLANDS	366 - 383

Page

3

3

3

4

16

20

24

38

40

46

55

I. GENERAL OBSERVATIONS

1. This is the fourteenth report submitted by Denmark in pursuance of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. The report deals with the changes in legislation and legal practices, etc., as well as measures taken with regard to subjects covered by the Convention since the Government of Denmark submitted its thirteenth periodic report to the Committee on the Elimination of Racial Discrimination in 1997 (CERD/C/319/Add.1).

2. In the report reference has been made to relevant paragraphs of Denmark's thirteenth report and to the concluding observations of the Committee on the Elimination of Racial Discrimination adopted after the examination of that report on 6 and 7 August 1997 (see CERD/C/304/Add.35 and the summary records of the Committee's meetings (CERD/C/SR.1220 and 1221)).

3. Reference is also made to the core document of Denmark HRI/CORE/1/Add.58. The reports concerning Greenland and the Faeroe Islands have been drafted in cooperation with the two Home Rule Governments.

II. INFORMATION RELATING TO ARTICLES 1 TO 7 OF THE CONVENTION

Article 1

Legislation relating to the prohibition of differential treatment on the labour market

4. Act No. 459 of 12 June 1996 on the Prohibition of Differential Treatment on the Labour Market, etc., prohibits direct and indirect discrimination on the basis of race, colour, religion, political opinion, sexual orientation or national, social or ethnic origin.

5. The Act does not cover discrimination on the basis of citizenship. However, discrimination in this case must not indirectly reflect discrimination on the basis of, for instance, national origin. This question mainly relates to positions in which special loyalty towards the Danish State is required, for instance those of high-ranking public servants. Reference is made to the comments under article 5 (c) concerning a review of legislation for the purpose of considering provisions on Danish nationality.

6. The Act does not prevent measures being taken with a view to improving employment opportunities for persons of a specific race, colour, religion, political opinion, sexual orientation or national, social or ethnic origin by virtue of other legislation, rules with a different legal basis or other public measures. The observations on article 2 describe the extensive efforts extended by Denmark to improve employment opportunities for such persons.

7. Furthermore, it is possible to deviate from the rules if it is of decisive importance for the performance of the work that employees have, for instance, a particular ethnic origin. However, it is a condition that the requirement relates to the nature of the work or the conditions under which the work is performed and that it is objective, factual and relevant.

8. The right to take special measures does not apply to employers who want to improve employment opportunities for persons with, for instance, a different ethnic background. Protection against discrimination is believed to be best ensured if the possibility of improving employment opportunities for persons of a different ethnic origin is only provided for by legislation or other public measures.

Article 2

Measures to improve employment opportunities

9. Unemployment among foreigners in Denmark is generally relatively higher than among Danish citizens. However, the general statistics call for a number of reservations. Firstly, the statistics are only broken down by Danish citizens and non-Danish citizens. There are big problems connected with the use of the labour market statistics for foreign citizens as an expression of the participation of immigrants in the labour market. Those immigrants who have become Danish citizens have - as a group - a stronger labour market participation than other immigrants. Some nationalities have a higher share of persons becoming Danish citizens than others.

10. There are, however, special statistics which show unemployment figures broken down by immigrants and their descendants (see paras. 11-13 below). Secondly, the statistics represent an average which includes immigrants with a good labour market record and immigrants with special difficulties, irrespective of their citizenship.

11. As of 1 January 1998, the Danish labour force counted 2.8 million people, of whom 88,000 were foreign rationals. In January 1997, the total unemployment rate was 6.8 per cent; the unemployment rate for foreign nationals was 20.7 per cent. Unemployment has been falling steadily in recent years. Foreign citizens have experienced a relatively higher fall in unemployment than Danish citizens. Although there is still a big difference in the unemployment rates for Danish and foreign nationals, this gap is narrowing as the Danish economy has recently been is experiencing favourable development with increasing employment, which opens up possibilities for further reducing unemployment among ethnic minorities.

12. The special statistics show that descendants (persons born in Denmark to parents who are both either immigrants or descendants) are generally less hit by unemployment than immigrants (persons born abroad whose parents are foreign citizens or born abroad). This difference is particularly marked in the case of the Turks, where the descendants' unemployment rate is two and a half times lower than that of the immigrants.

13. As regards long-term unemployment, the special statistics show that Turkish, Polish and Pakistani descendants are slightly less hit by long-term unemployment than other descendants. Among first generation immigrants, the opposite is the case.

14. The new statistics, which include descendants, give cause for optimism as regards the future combat against unemployment because descendants have received

a better education and training than their parents and are therefore better equipped for the labour market and the educational system.

15. Over the past decade, educational and training activities among descendants have increased to such an extent that they are now at the same level as for the rest of the population. However, some of this increase is attributable to the age composition of the various ethnic groups, which have a relatively large proportion of young persons. On the other hand, the level of educational activity is lower for immigrants.

16. There are two main causes for the disproportionately high level of unemployment among ethnic minorities. The first is that they have difficulties in satisfying the professional and linguistic requirements of today's labour market. The second is reluctance to recruit persons with a different ethnic background than Danish. (In addition, it may be a matter of structural conditions, for instance age distribution, recruitment patterns of the enterprises, etc.). The Government has introduced initiatives in both these areas.

17. The placement activities and general activation measures of the Public Employment Service take place within the framework of the Act on an Active Labour Market Policy. In connection with these activities, no distinction is drawn between Danish and foreign citizens as they all have the same rights and duties. The decisive factor is whether a person has qualified for unemployment benefits through preceding employment. (Unemployed persons who are not entitled to unemployment benefits are activated through the activation system of the local authorities).

18. The benefit period for insured unemployed persons is five years. During the first two years of the benefit period, activation offers are given to unemployed persons at special risk of becoming long-term unemployed. It is the regional labour market councils (with representatives of the social partners) which decide the target groups for early activation. In two thirds of the regions, ethnic minorities are directly included in the selected target groups. In other regions, ethnic minorities will - to the extent that they are at risk of becoming long-term unemployed - indirectly be included in the target groups having high priority (for instance unemployed persons without vocational training).

19. After two years' unemployment, during the remaining three years of the benefit period there is a right and duty to activation at full time during the entire period. The activation offers may be in the form of job training, pool jobs, education, job rotation, etc.

20. Special rules apply to young persons under the age of 25 years without any formal vocational training or education.

21. The Government has introduced special initiatives to improve the situation of ethnic minorities on the labour market as a supplement to the general activation measures. These positive action measures have as their legal basis the Act on the Prohibition of Differential Treatment on the Labour Market, etc. The special initiatives in relation to ethnic minorities are based on the experience gained from the Government's action plan to break down barriers which

was implemented during the period 1994-1997. All 18 initiatives in the barrier plan have been implemented. Some of these initiatives now form part of the general activation measures, while others are being continued as special measures.

22. In connection with these special initiatives, all the regional employment services have engaged special consultants with expert knowledge about ethnic questions. In accordance with guidelines laid down by the regional labour market councils, funds are made available to these consultants for development activities, such as special guidance activities, job seeking courses, training programmes, language courses, etc. Furthermore, methods are being developed to improve measures taken in relation to ethnic minorities. Measures with a view to changing traditional attitudes and stereotyped thinking are being initiated in enterprises in the individual regions. Lastly, studies and project evaluations are being carried out.

23. In addition to these special initiatives, the so-called "ice-breaker scheme" was introduced on 1 April 1998. Under this scheme, financial support is granted to enterprises which wish to recruit highly-qualified young persons from a non-Danish ethnic background. The previous ice-breaker scheme, which was mentioned in Denmark's thirteenth report (paras. 15-18) expired at the end of 1997 and has been evaluated. Of a total of 141 highly educated "ice-breakers", two thirds have maintained job relations in the enterprise beyond the period of support.

24. There are many concrete examples of activities which the public employment service has initiated with a view to improving employment opportunities for ethnic minorities. The following should be mentioned.

(a) <u>The enterprise oriented activities of the public employment service</u>

25. Under cooperation project between the technical school of Aarhus, the public employment service and the municipality of Aarhus, 11 immigrants and refugees have entered into training agreements with a cooperative chain ("FDB-shops") to be trained as bakers or butchers. The project started in April 1997 and the prospects so far are promising.

26. The public employment service in Aalborg has sent out a brochure to employers in which it encourages them to use the qualifications of the "new Danish citizens".

(b) <u>Bridge-building projects</u>

27. There are several examples of specially organized bridge-building projects initiated by the public employment service with a view to qualifying the participants for ordinary education and training. Special methods and training methods adapted to adults are being used in these projects. The aim of the projects is to assist young unskilled persons in undergoing training programmes and finding their own way into Danish society.

28. An example of such a project is the introduction by the county authorities of Frederiksborg of training programmes of 18 months' duration for unemployed persons with a Turkish background. These programmes have channeled all

participants into work or education/training programmes. As a special feature, it can be mentioned that 9 out of 10 women continued in the special programme for training of health and care workers.

29. Another example is a bridge-building project called "The way ahead", approved by the labour market council in Aarhus in April 1998, in which refugees/immigrants formed part of the target group. The purpose is to motivate the participants to undertake education and training and to reduce or remove barriers of a pedagogical, linguistic, cultural or social nature.

(c) Cultural understanding

30. The public employment service in the county of Frederiksborg has been visited by some mayors from Turkey. The aim of these visits has been to inform them about efforts to integrate young immigrants into Danish society and to make visible the labour market and education requirements which the individual will have to face. Most young persons coming to Denmark from Turkey do so before they have completed their education/training. The visits are intended to create new dialogue between immigrant families and the authorities in Danish village communities.

(d) Campaign

31. In May 1998, the regional labour market council of Funen initiated a campaign targeted at employers in the region and entitled "Colour in life - a society without boundaries". The purpose of this campaign is to initiate a debate in the enterprises in the region taking as its starting point that the group of refugees and immigrants in Funen constitutes potential and resources which have until now not been fully utilized.

32. In connection with its placement activities, the public employment service may only take objective questions into account. The public employment service is not allowed to discriminate and must not meet unreasonable, including discriminatory, requirements from employers. These rules have been laid down in a recently published circular about placement activities in relation to ethnic minorities. This circular is at present being revised and a new circular is expected to be issued in the near future. The circular gives examples of direct and indirect discrimination and it clearly states that the public employment service cannot offer its services to employers who discriminate. This circular forms part of the basic training programme for employees in the public employment service.

33. It is the experience of the public employment service that some of the unemployed with an ethnic background still have an insufficient knowledge of the Danish language and this causes problems in relation to job placements and activation measures. The language problems constitute a barrier to labour market integration. This is why work is being done to introduce more systematic measures to improve the mastering of the Danish language among the unemployed. The reason why problems linked to lack of knowledge of the Danish language have been increasing in recent years is mainly that many job functions which could earlier be performed without previous training now require certain professional skills (for instance in the fields of cleaning, work in canteens, etc.).

34. It is one of the elements of the Government's political programme that both private and public employers have a responsibility for ensuring recruitment of persons with an ethnic background on the same footing as others. There is a growing recognition of the special responsibility in this field of the public authorities in their capacity as employers.

35. In order to promote ethnic equality in the workplace in the public sector, the Ministry of Labour has in recent years organized discussions about ethnic staff policies with representatives of public employers. The most recent initiative from this group is the organization of a course which is to give employees and executives in staff departments support and inspiration for the development of a staff policy which will promote ethnic equality. This course is offered all over the country by Danmarks Forvaltningshøjskole (the Danish Institute for Administrative Courses).

36. The Ministry of Labour has also initiated pilot projects on ethnic personnel policies in the Ministry's institutions in one county: the public employment service, the labour inspection service and a vocational training centre. The idea of this pilot project is to develop staff policy methods and instruments which will ensure non-discriminatory practices.

37. In the State sector, an agreement prohibiting discrimination has been concluded between employers and employees. The purpose of this agreement is to create an environment where all employees - irrespective of race, colour, religion, political opinion, sexual orientation or national, social or ethnic origin - in actual practice enjoy the same possibilities for recruitment, education/training and promotion and other working conditions. Reference is made to paragraphs. 93 to 101 below on measures taken in the public sector.

38. Many municipal administrations are also implementing ethnic staff policies. By way of example, the municipality of Copenhagen - the largest municipality in Denmark, with 45,000 employees - is undergoing a development process, working - on the basis of the defined values of the organization - to create a good working place, equal dignity and basic behaviour excluding discrimination. The objective of this policy is for the municipality of Copenhagen, as a workplace, to reflect the composition of the population in the society of which the municipality and its employees form part and which the municipality serves. The basic approach is that the organization will benefit from managing diversity.

Report of the Integration Committee

39. As mentioned in Denmark's thirteenth periodical report, on 5 December 199 the Minister of the Interior set up a committee entrusted with the task of elucidating the existing integration activities in relation to refugees and immigrants for the purpose of formulating an overall policy in this field. In this connection, the Committee was to map problems in connection with integration activities and submit proposals for their solution.

40. The first subreport of the Committee, which was submitted in July 1995, concerned the integration of Bosnian refugees in Denmark.

41. The Committee published its second subreport in May 1997. In this report, the Committee gave an account of existing integration efforts and made proposals for a forward-looking overall common objective for further integration activities.

42. The report emphasized the need to ensure, through targeted integration efforts, that refugees and immigrants can function in the life of society in terms of politics, the economy, employment, social activities, religion and culture on an equal footing with other citizens.

43. In this respect, the Committee proposed an expansion of the groups of persons entitled to receive an offer of integration so that an integration programme is to be offered not only to refugees, but also to immigrants.

44. The report also emphasized the need for reciprocity in the integration process so that rights and duties go together.

45. Furthermore, the report recommended an extension of the possibility for local authorities to take over integration efforts, which had so far been handled mainly by the Danish Refugee Council. It further recommended a detailed fixing of the central framework and guidelines for the integration efforts, with a view to ensuring that all aliens are to the greatest possible extent offered the same opportunities of integration, regardless of where they are residing in Denmark.

46. In addition to more general considerations, the integration report includes 90 specific proposals for improvement of the integration efforts, including a large number of proposals especially relating to the integration efforts aimed at children and young people, and the elderly, and proposals for improvement of the ties of refugees and immigrants with the labour market.

47. As an example of the proposals made, a majority of the Committee members found that integration councils should be set up on an experimental basis in municipalities having more than 50 persons of an ethnic minority background.

48. The proposals contained in the report of the Integration Committee were taken into account when Denmark's first comprehensive Integration Act (integrationslov) was drafted.

Report of the Committee on Women

49. On 13 December 1993, the Minister of the Interior set up a committee on the integration and legal position of foreign women in Denmark.

50. The task of the Committee was to review the rules on the granting and revocation of residence permits and in that connection to assess whether changes should be made to the rules concerning revocation of a residence permit in cases where a foreign woman is exposed to violence which leads to termination of the cohabitation with the spouse.

51. Another task of the Committee was to study whether there are particular factors which act as barriers to the participation of ethnic minority women in the labour market and to submit proposals for initiatives to break down such

barriers. Similarly, the Committee was to review any bars to the participation of ethnic minority women in politics and the public debate and to submit proposals for improving the possibilities for such participation. Finally, the Committee was to consider whether special initiatives are needed to improve foreign women's use of the social and health services and the educational system.

52. The Committee submitted its first subreport in July 1995. This report concerned the issue of the granting and revocation of residence permits for battered women. (See the comments under article 5 (d) (iv) below.)

53. On the basis of the recommendations of the Committee, among other things, the Aliens Act (udlændingeloven) was amended by the insertion of a provision according to which a decision to expel an alien must take into account whether the expulsion would be particularly hard on the alien because of her exposure to outrages in Denmark, as a result of which she is no longer cohabiting with a person residing in Denmark - typically the husband.

54. In September 1998, the Committee on Women submitted its second subreport. This report deals with the integration of foreign women in Denmark.

55. In the report, the Committee pointed to some factors of special relevance to ethnic minority women and submitted a number of proposals and recommendations for improvement of the integration prospects of ethnic minority women.

56. Examples of the proposals are better access to interpreting assistance, increased use and training of bilingual and multicultural employees in the social and health sector, increased information on Danish society, improvement of courses in Danish, including individual adaptation thereof, encouragement of both private and public employers to introduce an ethnic staff policy, a course in Danish social affairs, increased educational efforts for foreign women to strengthen their participation in politics, as well as initiatives aimed at the media to enhance the quality of media communication concerning ethnic minority women.

Integration Act

57. On 26 June 1998, the Danish Parliament (Folketinget) passed the Act on Integration of Aliens in Denmark (lov om integration af udlændinge i Danmark) (the Integration Act), which enters into force on 1 January 1999.

58. The Act is the first integration act in Denmark; there has not previously been a special comprehensive set of rules in this field.

59. The overall objective of the Act is for refugees and immigrants to become contributing members of Danish society on an equal footing with Danish nationals. This is to be done by expanding integration efforts considerably, both quantitatively and qualitatively. In addition, the Act implies that both refugees and immigrants are to be offered possibilities of integration. Under the rules applicable so far, integration efforts only cover refugees.

60. The expected main effect of the Act is that newly arrived aliens will gain employment as soon as possible; and both for the individual alien and for the

authorities the Act contains a number of possibilities and incentives to achieve this.

61. Under the rules applicable so far, the State is responsible for integration assistance to refugees for up to 18 months from the date when a residence permit is granted. The State has entrusted this task to the Danish Refugee Council.

62. The tasks of the Danish Refugee Council have been to provide counselling and guidance, ensure accommodation and housing and, to the extent that the aliens in question satisfy the conditions therefor, to provide certain specific benefits under the Social Assistance Act (bistandsloven) (which was replaced on 1 July 1998 by the Act on an Active Social Policy (lov om aktiv socialpolitik)), including, in particular, cash assistance. In principle, the integration efforts have only covered refugees and refugee-like persons 2/, but not immigrants.

63. In the opinion of the Government, the integration efforts carried out so far have not been sufficiently efficient.

64. The background of this is, inter alia, that a proportionately very large number of foreign nationals are unemployed - even after having resided in Denmark for a long period. In 1994, the unemployment rate among foreign nationals was thus 30.6 per cent, while for the population as a whole (including foreign nationals) it was 11.1 per cent. The number of foreign nationals also includes nationals of Western countries. The unemployment rate for this group is generally substantially lower, however, than for other aliens. As at 1 January 1997, the unemployment rate was 20.7 per cent for foreign nationals and 6.8 per cent for the population as a whole (including foreign nationals).

65. The high unemployment rate among immigrants and descendants of immigrants from non-Western countries is also reflected in the amounts received on average by this group as transfer income. According to a study from December 1997 relating to 1995, immigrants and descendants of immigrants from non-Western countries on average received DKr 70,100 as transfer income, whereas the figure for the rest of the population was DKr 49,400.

66. Against this background, for humane and social reasons, it has been a vital object of the Integration Act to strengthen integration efforts so as to give newly arrived aliens considerably better possibilities of rapidly entering the labour market. This is done through special efforts to provide aliens with better qualifications for entering the labour market.

67. It has, furthermore, been an objective of the Integration Act to create a more even geographical distribution of aliens in Denmark. Local authorities take over responsibility for integration efforts

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2/ "Refugee-like persons" means persons who have been granted a residence permit in Denmark in accordance with to specific provisions of the Danish Aliens Act, e.g. in cases where essential considerations of a humanitarian nature make it appropriate without the alien being a refugee according to the Refugee Convention or the like.

68. The Integration Act shifts responsibility for integration efforts from the State/Danish Refugee Council to the local authorities. Thus, the local authorities will have overall responsibility for handling the individual elements of the integration efforts, including housing, planning of programmes to introduce aliens to Danish society and payment of benefits. To create a better link between Danish lessons and the other integration efforts, the local authorities have also taken over responsibility for the Danish lessons. Formerly, this responsibility was incumbent on the county authorities.

69. Under the Act, the local authorities are also responsible for the general integration efforts in the municipality. This method provides the best conditions for coherent and efficient integration efforts. The Act also includes a number of rules on how the local authorities are to perform the task of integration, ensuring that all aliens receive the same offers regardless of the municipality in which they reside.

70. The Act has a provision allowing the local authorities to entrust the performance of specific integration tasks to other operators, such as humanitarian organizations like the Danish Refugee Council. This ensures retention of the expertise built up over a large number of years by the Danish Refugee Service and allows the local authorities to plan the efforts in a flexible manner. It is important to emphasize, however, that the local authority bears the responsibility for satisfactory performance of the tasks in compliance with the provisions of the Act.

71. Responsibility for integration efforts aimed at the individual refugee passes to the local authority concerned from the end of the first full month after the date when the residence permit was granted.

Housing of refugees, etc.

72. Housing is effected on the basis of a scheme according to which, in principle, quotas must be agreed or fixed stating the number of refugees and refugee-like persons (referred to in this part as refugees) that are to be housed in the individual municipalities. The scheme implies that all local authorities in the country have to assist in procuring housing for refugees. This means that much more account can be taken of the situation of individual refugees in connection with their housing.

73. The rules will be reviewed in detail below under article 3.

Introduction programme

74. Under Part 4 of the Integration Act, an introduction programme planned by the responsible local authority must be offered to newly arrived aliens who are 18 years of age or more and come under the Integration Act. The length of the introduction programme is up to three years.

75. The introduction programme includes a course in understanding the society, Danish lessons and activation which involves either labour market experience, training or education. The course in understanding the society and the Danish lessons must be offered to all aliens who come under the Act, while activation,

must be offered to aliens who qualify for an introduction allowance (see paras. 82-84 below).

76. For aliens who qualify for an introduction allowance, the duration of the introduction programme must average at least 30 hours per week.

77. Planning of the introduction programme is based on an individual action plan to be prepared by the local authority in cooperation with the alien in question.

78. The introduction programme constitutes a substantial improvement of the integration efforts in relation to the rules applicable so far.

79. Today only recognized refugees and refugee-like persons are covered by the integration programme. Under the Integration Act, an introduction programme must also be offered to other newly arrived aliens (immigrants). Furthermore, the integration period is extended from 18 months to 36 months and the elements of the introduction programme are improved substantially, both in terms of quantity and of quality. In this connection it can be mentioned in particular that the Danish lessons have been increased by 30 per cent as a consequence of concurrent changes to the rules of the Ministry of Education and that aliens under an introduction programme must be offered activation. So far, aliens under an integration programme have not been able to participate in activation.

80. The purpose of the action plan is to determine a specific and individual programme for the alien in question as early as possible. When preparing the programme the local authority must take into account the alien's family, social and cultural background, as well as education, training and former work experience.

81. In principle, all aliens over 18 years of age must participate in an introduction programme. However, some aliens will either have no need or no possibility of participating fully in the programme. The Act therefore includes provisions according to which the local authority may refrain from offering an introduction programme or parts thereof to an alien if the alien already has the requisite knowledge or if there are other special reasons for refraining from doing so. Other special reasons may be that the alien is physically or mentally disabled - such as victims of torture and highly traumatized refugees - so that the alien will not be able to participate in the programme.

Introduction allowance

82. During the introduction period a special introduction allowance is offered to refugees and immigrants who are not self-supporting or who are not maintained by others.

83. To start off with, the introduction allowance is lower than the usual cash assistance that will be granted to aliens who may not be able to support themselves after expiry of the introduction programme. On the other hand, the introduction allowance is organized so that it is not reduced as heavily as the usual cash assistance as the recipient gradually gets a foothold in the labour market. This means that the introduction allowance may be higher than the ordinary cash assistance in situations of part-time employment.

84. The detailed rules on the introduction allowance will be reviewed below under article 5 (e) (iv).

Influence of ethnic minorities

85. In accordance with to the Integration Act, integration councils must be set up in the municipalities where more than 50 persons so request. The integration councils may give advisory opinions on the general integration efforts in the municipality and on the introduction programmes offered by the local authority. The opinions are made public.

86. Members of integration councils are appointed by the local authority from among members of local refugee and immigrant associations or similar persons and persons with ties to the labour market parties and boards of school governors, etc.

87. Among those members of the integration councils that represent local refugee and immigrant associations, a representative is elected to the Committee of Representatives for the Council for Ethnic Minorities, which elects the Council for Ethnic Minorities (Rådet for Etniske Minoriteter) from among its members. The Council for Ethnic Minorities advises the Minister of the Interior on issues of importance to refugees and immigrants.

88. The scheme with the integration councils and the Council for Ethnic Minorities ensures the establishment of forums with representatives having another ethnic background than Danish that can share experiences on integration both at local and national levels and advise the authorities in this respect.

The Board for Ethnic Equality

89. The Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) was set up in 1993 for the purpose of ensuring that the issue of ethnic equality is incorporated in the maximum number of aspects of community life and for the purpose of rendering visible and counteracting differential treatment of persons of Danish and other ethnic origins. In the summer of 1997, the Danish Parliament (Folketinget) passed a new Act on the Board for Ethnic Equality (lov om Nævnet for Etnisk Ligestilling) strengthening the position of the Board in several ways.

90. The effect of the amendment is that the Board now has a statutory right to make statements on ethnic differential treatment. The Board may thus, of its own volition or upon request, issue opinions on general issues concerning ethnic differential treatment. Thus - as an entirely new possibility - it has been emphasized that the Board can discuss problems within the framework of the Act and issue opinions on the basis of requests from individuals or organizations. In this connection the Board may recommend changes in practice or solutions for specific problems. The Board may issue opinions on differential treatment in both public and private contexts.

91. The composition of the Board has been altered. When the Act was prepared, it was emphasized that the Board was to be composed so that the ethnic minorities, apart from the chairman, would constitute half the members of the Board.

92. The Board now has its own secretariat. Employees of the secretariat are engaged and dismissed by the Minister of the Interior upon the recommendation of the chairmanship of the Board. The secretariat of the Board has its own premises. These changes were made to comply with a recommendation from a committee of experts set up by the Board in 1996 and to emphasize the independence of the Board.

Measures taken in the public sector

93. In cooperation with the staff unions participating in the collective bargaining in 1997, the Ministry of Finance has decided to initiate measures to counter discrimination in the labour market on the basis of race, colour, religion, political opinion, sexual orientation, or national, social or ethnic origin.

94. As a result, an additional agreement of 30 June 1997 was made to the existing cooperation agreement between the social partners on prohibition of discrimination in the public sector.

95. Under the provisions of the additional agreement, management and employee representatives on the cooperation committees must work together to ensure that no discrimination takes place in the individual workplace and at the same time to ensure an open dialogue, information and guidance on prevailing rules in this field. The Ministry of Finance and the staff unions recommend the introduction of an ethnic staff policy and that the cooperation committees draw up an action plan containing aims, information efforts and proposals for evaluation and follow-up.

96. All cooperation committees within the public sector are united under the Central Council of Cooperation Committees within the Public Sector (Centralrådet for Statens Samarbejdsudvalg). Under this council an equal status committee has been set up. Since itsestablishment, the Equal Status Committee has been working on gender equality. At the collective bargaining in 1997 it was decided to extend the mandate of this committee. It has now been agreed that in future the committee's work shall generally include initiatives aimed at ensuring equal treatment for all employees in the public sector, including initiatives with regard to race, colour, religion, political opinion, sexual orientation or national, social or ethnic origin.

97. The Equal Status Committee of the Central Council has now become a forum where representatives of the public employers and staff unions can discuss their work to promote ethnic equality. Specifically, this work has resulted in a conference on ethnic equality in the public sector. The conference was held on 22 June 1998 and was attended by the social partners' representatives on the public sector cooperation committees. The purpose of the conference was to give members of the cooperation committees inspiration and tools to initiate a local process which would put ethnic equality on the agenda of the cooperation committees.

98. The local personnel policy and the attitude of the workplace are decisive factors in the efforts to promote equality for all present and future employees in the public sector.

99. The conference has since been followed up by a conference newspaper, which in October 1998 was distributed to all members of the cooperation committees in the public sector. Apart from covering the conference, the newspaper is intended to support the ongoing work to promote ethnic equality in individual workplaces.

100. To obtain a better knowledge of the position of ethnic minorities in the public labour market, the Ministry of Finance intends to initiate an investigation of attitudes towards ethnic minorities in public sector workplaces. The investigation is expected to be finalized in the spring of 1999.

101. The Ministry of Finance is also participating in network groups to promote the integration of ethnic minorities in the labour market, i.e. the working group ("ERFA-gruppen") dealing with ethnic staff policy under the Ministry of Labour and the Association for the Integration of "new Danes" in the Labour Market. Through contacts with non-governmental organizations with experience in the field of ethnic minorities the Ministry of Finance is, moreover, seeking to obtain exchange of information about the conditions of ethnic minorities in the labour market. Finally, the Ministry of Finance takes part in exchange of experience at the international level.

Article 3

Prohibition of racial segregation

102. In connection with Denmark's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Danish Parliament (Folketinget) passed the Act Prohibiting Discrimination on the Basis of Race, etc. (lov om forbud mod forskelsbehandling på grund af race mv.), in accordance with which it is an offence to refuse, in connection with commercial or non-profit business, to serve a person on the same terms as others because of his or her race, colour, national or ethnic origin, religion or sexual inclination. It is also an offence to refuse admittance to the person on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public, see Consolidated Act No. 626 of 29 September 1987.

103. The period under review has seen four criminal cases concerning violation of the Act resulting in charges being brought. For a further description of these cases, see the comments under article 5 (f).

Prohibition of differential treatment on the labour market

104. In the opinion of the Government it is very important to stress that the Act on the Prohibition of Differential Treatment on the Labour Market, etc., is an effective bulwark against discrimination on the labour market in the way discrimination is defined in the Convention. (Reference is made to the comments on the Act under article 1 above and article 5 (e) (i) below).

The Integration Act

105. To ensure an even geographical distribution of aliens in Denmark, the new Integration Act has rules according to which the individual counties and local

authorities - as mentioned above under article 2 concerning the Integration Act - must share responsibility for the newly arrived refugees.

106. Based on an estimate of the number of refugees that will arrive in Denmark during the next three years, local authorities must seek to agree on distribution of the refugees.

107. Thus, in principle, the local authorities themselves have to agree on distribution of the refugees, but the Act includes provisions under which the Danish Immigration Service (Udlændingestyrelsen) may intervene and fix the number of refugees for which each local authority will be responsible if no voluntary agreement is concluded.

108. On the basis of the agreed or fixed quotas (see para. 107 above), the Danish Immigration Service must decide, when it grants a residence permit to a refugee, on the local authority in which the refugee is to be housed. When making this decision, the Danish Immigration Service must take particular account of the personal circumstances of the individual refugee.

109. Examples of personal circumstances to be taken into account for the decision on housing would be the refugee's need for special treatment - such as torture victims - educational possibilities and family ties. Furthermore, the refugee's language and cultural background must be taken into account. For the purpose of creating the best possible conditions for establishing networks with the surrounding community, endeavours must be made to house refugees in an area already having residents with corresponding language and cultural backgrounds.

110. The Danish Immigration Service must also consider the size and composition of the population of the municipality - including the number of aliens already living there - and the labour market and educational situation of the municipality. Furthermore, any medical treatment or institutional offers in the municipality of importance to the refugee may be taken into consideration.

111. Refugees may choose to move to another municipality subsequently. However, in the cases where they participate in an introduction programme, in principle they must remain residents of the municipality in which they have been housed in consideration of the continuity of the programme.

112. If a refugee wants to move during the period in which he or she is included in the introduction programme, the local authority of the municipality to which the refugee wants to move must agree to continue the introduction programme. If the receiving local authority does not accept taking over responsibility for the introduction programme, and if the refugee chooses to move nevertheless, the refugee's introduction allowance may be reduced or terminated.

113. However, the Integration Act stipulates a number of criteria for situations in which the receiving local authority must agree to continue the introduction programme. This subject will be reviewed in detail below under article 5 (d) (i).

Renting and assignment of public dwellings in Denmark

114. With reference to the concluding observations of the Committee on the Elimination of Racial Discrimination on Denmark's thirteenth periodic report (CERD/C/304/Add.35, para. 11) the following information is provided on the allocation of housing in Denmark:

115. Average housing conditions for the ethnic minorities comprising immigrants and refugees differ from the average Danish housing conditions. A survey (Residential Politics against Segregation, TemaNord 1997:544) showed that while 67 per cent of Danes in the age group 15-66 years are owner occupiers living in their own house or in a condominium, the corresponding percentages for immigrants and refugees were 18 per cent and 13 per cent respectively.

116. Public rental housing accommodates more than half of first generation refugees in the age group 15-66 years, but only 15 per cent of the Danish population in this age group.

117. The geographical settlement pattern for immigrants is uneven, with 72 per cent of immigrants in this age group living in the Copenhagen region. The refugees, especially during their first years of residence, are more evenly settled.

118. A case where a municipality had refused to rent a public dwelling to a refugee family caused the Danish Minister of Housing to write on 5 November 1997 to all municipal boards urging strict compliance with the rules concerning municipal assignment and approval of public dwellings. In this connection the Minister informed them about the current rules, including the municipality's obligation to undertake a case-by-case evaluation of applicants' need. The Minister stressed at the same time that it is not legal to give Danish applicants for a public dwelling higher priority than applicants from another ethnic background.

119. Concerning experiments with the rules for renting in accordance with paragraph 144 of the Act on Public Dwellings and Subsidized Private Cooperative Housing, etc., the following should be mentioned.

120. The starting point for renting of public dwellings for families is renting in accordance with the waiting list. However,there are certain possibilities to assist applicants with an urgent housing need.

121. On 2 April 1997, the Danish Parliament approved a change allowing a widening of the scope for experiments with renting and assignment of public dwellings.

122. These experiments should be seen as part of the Government's housing/social efforts. The intention is to attract applicants from a broader segment of the population to troubled areas in order to change the composition of residents. This can, for instance, happen through according priority to certain groups like young people receiving education, elderly people and commuters.

123. When, in these experiments, priority is given to certain new groups, the access of other groups to the residential area in question will, of course, be restricted in the short run. However, there are about 7,000 public housing departments with about 500,000 dwellings (almost a fifth of the Danish housing stock) - not counting the private housing market - which means that the experiments have only a limited effect on the possibilities of the individual applicants. Furthermore, the Ministry always emphasizes that the experiment should not prevent the municipality from solving its task concerning applicants with an urgent housing need.

124. All experiments have to be approved by the Ministry of Housing and Urban Affairs. As of 1 October 1998 the Ministry had approved 36 experiments. When evaluating applications for experiments the Ministry always takes care to see that discrimination against applicants other ethnic backgrounds does not occur.

125. The Ministry has refused to approve an experiment where a housing organization wanted to give priority to applicants of Danish descent. The Ministry found that the application violated not only the purpose of the experiments but also both national rules and international agreements and conventions concerning racial discrimination.

126. Based on the experience drawn from these experiments all the rules for the renting and assignment of public dwellings will be revised.

Referral of bilingual children to special reception classes

127. With reference to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.35, para.11) the following information is provided on the requirements for attending special schools.

128. By Act No. 413 of 22 May 1997 explicit legal authority was provided for a practice which has been in force in the municipalities for many years. According to law bilingual children without any knowledge of Danish can be referred to reception classes which have been set up at other schools than the pupils' district schools.

129. The term "bilingual children" in Denmark means children with another mother-tongue than Danish and who do not learn Danish until their first contact with the surrounding community or possibly through instruction at school.

130. Reception classes can be set up either at the pupils' district schools or at other schools. There can be several reasons for setting up reception classes at other schools than the pupils' district schools. The reasons have to be of an educational nature in all cases. For example, if there are many bilingual pupils at the district school, the chances of learning Danish in the general instruction, which pupils in the reception classes also gradually have to follow, may deteriorate. Placing reception classes outside the district school can also be based on a desire to establish classes for particular language groups so that a bilingual teacher can be appointed. Lastly, it may be due to a desire to establish reception classes for pupils of the same age, which will provide better instruction, educationally and professionally.

131. Referral of children to reception classes at other schools than the district school always has to fulfil the following conditions:

- The purpose must be to secure adequate instruction for the childr The transfer must be based solely on educational considerations. discriminatory treatment, in other words, must be based on object educational criteria.

- The educational criteria must be evaluated on the basis of the individual pupil's skills in Danish.

- Other solutions must be considered before it can be deemed necess to transfer the pupil.

- The differential treatment can be maintained only until the objective has been achieved. When the instruction in the receptio class has been completed, which is normally expected to be the ca after one and a half to two years, the pupil is entitled to be enrolled in the district school.

132. It follows from the above that pupils who only need special support to moderate extent to be able to follow normal instruction must not be referred other schools than the district school. Thus it is still not allowed to depri pupils of the right to attend the district school on the basis of ethnic criteria.

133. Moving to reception classes is viewed by the Ministry of Education as affirmative action authorized inter alia in the Convention. The Ministry refe to article 1.4, in pursuance of which it does not constitute illegal discrimination if special measures are instituted with the sole purpose of securing adequate advancement of certain ethnic groups or individuals who nee the protection required to secure their equal right to enjoy or exercise huma rights. The measures, however, cannot entail the maintenance of special right for various racial groups, and can be maintained only until their objective h been achieved.

134. In a forthcoming revised guidance paper on the teaching of bilingual pupils in the Folkeskole it will be emphasized that a pupil's attendance at a reception class must not exceed two years. The duration of attendance is determined only by educational criteria and the decision, therefore, is up to the class teacher and the school head.

Article 4

Article 4 (a)

Criminal cases concerning racist statements

135. Section 266 b of the Criminal Code (straffeloven) prohibits the dissemination of racist statements and racist propaganda.

136. The provision was inserted in the Criminal Code in 1971 in connection w Denmark's ratification of the International Convention on the Elimination of

Forms of Racial Discrimination, to ensure full compliance with article 4. It is stated in the history of the provision that, when applying the provision, due consideration for the freedom of expression must be shown.

137. The maximum penalty for violation of section 266 b was increased by Act No. 309 of 17 May 1995 by the addition of subsection (2) of the provision, according to which it is an aggravating circumstance when the offence is in the nature of propaganda activities. The amendment was extensively commented upon in Denmark's thirteenth periodic report (CERD/C/319/Add.1, paras. 24-27. The purpose of the amendment was to extend the enforcement of the provision to prevent Denmark from becoming a sanctuary for the dissemination of Nazi and racist propaganda.

138. Under the present legal practice concerning dissemination of racist statements, the courts assess the consideration of freedom of expression and freedom of the press as opposed to the consideration of protection against racist statements when weighing up whether an offence has been committed. Particularly in criminal cases against journalists and editors, the courts have thus made a specific assessment of the purpose of reproducing the racist statements, including whether the protection of the persons who are exposed to gross contempt by the statements reproduced is stronger than the need for conveying the statements to the public. The courts have made a similar concrete assessment of the consideration of privacy and the consideration of news communication in criminal cases against journalists for violation of penal provisions on privacy.

139. To ensure a uniform indictment practice, the Director of Public Prosecutions determined by notice of 6 September 1995 that the indictment issue should be brought before the Director of Public Prosecutions in all cases concerning violation of section 266 b of the Criminal Code in which a provisional charge has been brought, and that the Director of Public Prosecutions should be notified of all information provided to the police that is rejected without a provisional charge having been brought.

140. Since the preparation of the thirteenth report, there have been nine convictions for violation of section 266 b of the Criminal Code:

- By judgment of the District Court in Gråsten of 8 November 1996 a man was sentenced to prison for 20 days for violating section 266 b of the Criminal Code by saying to a Korean "Such a dirty pig should shut up and go home" at a restaurant and for violation of section 244 of the Criminal Code by immediately afterwards having nutted another guest and hit him in his face.

- By judgment of the District Court in Randers of 28 November 1998 a man was sentenced to 30 "day fines" 3/ of DKr 100 for having, at the post office in Randers, uttered statements of a scornful and degrading nature to two 13-year-old girls of Turkish origin and two Africans, and for having threatened the two girls to leave the post office.

3/ A "day fine" is a fine proportionate to the offender's daily income.

- By judgment of the Criminal Court in Sønderborg of 10 April 1997 a 63-year-old man was sentenced to 10 "day fines" of DKr 100 for having written the following on young immigrants in a letter to the editor: "Today, the culture that these young people bring is theft and homicide when they do not have it their way, or rape".

- By judgment of the District Court in Rudkøbing of 11 December 1997 the author of a crossword puzzle in the Danish tabloid Ekstra Bladet was sentenced to ten "day fines" of DKr 300 for having asked the question: "What is the most essential contribution made by Somalis to the Danish culture?", the answer to the question in the puzzle being: "Drug peddling".

- By judgment of the Copenhagen City Court of 23 March 1998 the founder of a political party was sentenced to seven days' suspended imprisonment for having said in a television programme that Muslims will expose the Danish population to invasion, castration and homicide and for having characterized Muslims as world criminals in a television programme. The sentence, which was suspended because of the founder's age, has been appealed to the High Court.

- By judgment of the District Court in Grenå of 18 May 1998 a 19-year-old high school student was sentenced to two "day fines" of DKr 200 for having said "Shut up you dirty Islamic pig" to a dark-skinned person after a party.

- By judgment of the Criminal Court in Silkeborg of 5 May 1998 a candidate at the local election for the right-wing political party the Danish People's Party (Dansk Folkeparti) was sentenced to 20 "day fines" of DKK 200 for having, in a newspaper interview, made the following remarks on immigrants, refugees and persons of another national or ethnic origin: "The blacks are spreading everywhere - just like cancer", "crime is inherent in the foreigners' genes" and "they are bolder than brass". The sentence has been appealed to the High Court.

- By judgment of the Copenhagen City Court of 15 June 1998 a 52-year-old person was sentenced to 20 "day fines" of DKr 100 for having made statements on Muslims and immigrants on the Internet, particularly various allegations concerning serious crime. The Public Prosecutor has appealed the sentence to the High Court on the grounds that it was too lenient.

- By judgment of the District Court in Ribe of 21 August 1998 a 50-year-old woman was sentenced to 10 "day fines" of DKr 200 for having written in a letter to the editor that "the Muslims are ravaging, stealing and murdering. Their nature consists of nothing else. They secretly obtain rights through power and terrorism, not through lawful elections and rightful positions. That is why they must be oppressed".

141. In one case in the Western High Court a 30-year-old Dane was acquitted by judgment of 12 May 1998, for lack of proof, of having made some statements in

connection with an incident of violence which also involved two persons of Turkish origin. The Dane and one of the two Turks were both found guilty of violence.

142. Finally, charges have been brought in two cases that have not yet been decided by the courts. Also, some minor information on violation of section 266 b of the Criminal Code is being investigated by the police. For example, a member of the Danish People's Party has been charged with having stated that "the principal industry in Poland is prostitution; excuse the expression, they say that 80 per cent of Polish women are whores".

143. Since the Director of Public Prosecutions issued the notice of 6 September 1995 and until September 1998, the Public Prosecution has been presented with a total of 29 cases in which to make a decision whether to bring a charge or not. Charges have been brought in 13 of these cases and were withdrawn in the remaining 16 cases. During the same period, the chief constables and the Commissioner of the Copenhagen, Police have rejected a total of 28 complaints to the police of violation of the provision.

The Danish Broadcasting Act

144. In the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.35, para. 18), it is recommended that the procedure and practice of licensing radio transmissions be reconsidered. In this respect the following information is provided.

145. According to the Danish Broadcasting Act, a licence to broadcast locally may be issued to associations, companies, etc. which meet a number of formal requirements. It is up to the local radio and television boards to ensure that each area has comprehensive and versatile broadcasting utilities when considering applications for licences.

146. A number of ethnic minority groups, especially in the big city areas, have a licence to broadcast locally. Moreover, a number of local licensees offer programme services for ethnic minorities.

147. If the requirements are fulfilled and free broadcasting time on a local frequency is available, the licence to broadcast locally cannot be denied. Censorship is prohibited no matter what points of view a local radio is representing. If the radio violates Danish legislation, it will be held responsible afterwards. A licence to provide local programme services may be revoked temporarily or permanently in the event of gross or often repeated infringement of the provisions of the Broadcasting Act or rules laid down in pursuance of the Act.

148. In accordance with a political agreement of 10 May 1996 on the Media, a fund of DKr 50 million is set aside to support local non-commercial radio and television stations. This fund is administered by the National Radio and Television Committee. Many local broadcasting and television stations get support from this fund, including a number of ethnic stations and Radio Oasen.

Radio Oasen

149. Since 28 November 1995, a local radio station, "Radio Oasen", run by a neo-Nazi association, has received local broadcasting rights.

150. The issued to Radio Oasen has as a condition that the broadcasts of the radio must not contain any attack on or use terms of abuse towards particular sections of the population. The programmes must not in any way instigate hatre on the basis of race, sex, religion or nationality. If the radio violates this condition, the licence will be withdrawn immediately.

151. The Radio Oasen license was renewed in 1997. The application from the radio station for renewal was refused by the Local Radio and Television Board. Radio Oasen, however, appealed the refusal to the National Radio and Televisio Committee. This Committee set aside the refusal owing to the fact that there h been no changes in the circumstances since November 1995. Furthermore, there were no other applicants for free broadcasting time on the local frequency. Th Ministry of Culture has no knowledge of complaints against Radio Oasen.

Article 5

Article 5 (b)

Cases regarding violence, etc., with a racist motive

152. Under section 80(1) of the Criminal Code, account must be taken of the gravity of the offence and of the offender's motive when meting out the penalt If the offence was committed with a racist motive, the court may attach importance to this when meting out the penalty, with the result that the court imposes a more severe sentence. In practice, this may be of importance in case concerning violence, malicious damage, or the like.

153. Examples are two criminal cases in which the Copenhagen City Court based its decision on the ground that violence was only committed because of the foreign origin of the perpetrators' victims, which the court considered as bei an aggravating circumstance when the sentence was meted out.

Article 5 (c)

Participation in elections and in the conduct of public affairs and equal acce to public service

The right to participate in elections

154. Pursuant to Act No. 140 of 8 March 1989, implementing European Union Directive No. 94/80/EC in Danish law, nationals of European Union countries an nationals of the other Nordic countries have the franchise and right to stand for local elections without any requirement of three years' residence in Denma as from the local elections in November 1997. Nationals of other countries are still subject to a requirement of three years' residence in Denmark.

155. The number of foreign voters taking part in elections in Denmark is rising. Thus, at the local elections on 18 November 1997 there were 138,958 foreign voters, a rise of 46,446 compared with 1993.

Review of legislation for the purpose of considering provisions on Danish nationality

156. In relation to the provisions of the Convention on equal access to the conduct of public affairs, including equal access to public service, the Ministry of the Interior wrote to all ministries at the end of 1997 and requested them to review their legislation for the purpose of providing information on provisions requiring Danish nationality.

157. In the same connection, on 12 January 1998, the Minister of the Interior sent a letter to all his ministerial colleagues and requested them to review the legislation within their ministerial spheres to ascertain whether it had requirements of Danish nationality and, in the affirmative, to consider whether these requirements were still well founded and that aliens' access to the labour market was not obstructed to any unnecessary extent.

158. This letter gave rise to a review of the legislation within the individual ministries and measures were taken subsequently to amend several of the rules requiring Danish nationality.

Appointment of jurors and lay judges

159. In an inquiry to the Ministry of Justice, the Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) has proposed that the provisions of the Administration of Justice Act (retsplejeloven) on the appointment of jurors and lay judges be revised in the light of changes in the ethnic composition of the Danish population.

160. Under section 69 of the Administration of Justice Act, the appointment of jurors and lay judges is conditional on the said persons' right to vote in general elections. Since Danish nationality is a condition for the right to vote in general elections, Danish nationality is also a condition for being appointed a juror or lay judge. The Board for Ethnic Equality has therefore pointed out that doubts may be raised as to whether the panel from which jurors and lay judges are appointed reflects the ethnic composition of the population.

161. The Board has proposed that the requirement of the right to vote in general elections be replaced by a requirement of the right to vote in local elections. Any person who has lived permanently in Denmark for the last three years prior to the election day has the right to vote in local elections.

162. The proposal is being considered by the Ministry of Justice.

Article 5 (d)

Legislation on names

163. In the concluding observations of the Committee on the Elimination of Racial Discrimination concerning Denmark's thirteenth report (CERD/C/304/Add.35,

para. 14), concern is expressed that a rigid implementation of the 1981 Act on Names (navneloven) has a discriminatory effect on residents of non-Danish ethnic or national origin.

164. It can be stated in respect of the legislation on names that children must be given one or more first names according to section 10(1) of the Act on Names. The first name must not be a name which is not a first name proper or which may become a nuisance to the child.

165. On the basis of the legislative material, the provision is normally interpreted to mean that a boy must not be given a girl's first name and a girl not a boy's first name. Under the practice applied so far it has therefore not been possible in Denmark to follow the naming custom applied in, inter alia, Somalia according to which girls, at the naming, receive a girl's name followed by the father's, the paternal grandfather's and possibly the paternal great-grandfather's first names.

166. By letter of 24 June 1998 the Ministry of Justice notified the Legal Affairs Committee of the Danish Parliament (Folketingets Retsudvalg) that in the opinion of the Ministry, the practice applied so far should be altered. Girls whose parents have ties with the naming custom described above, for example because the parents are or have been nationals of a country where this naming custom is followed, can now be named in Denmark with the father's, the paternal grandfather's and possibly the paternal great-grandfather's first names as the second, third and fourth first names, respectively.

167. Such girls will still have to have a girl's name proper as their first first name according to section 10 of the Act on Names. Pursuant to section 1 of the Act, they must also have a surname proper.

168. The revision of practice affects everybody who is to be named or who notifies a change of name in Denmark when he or she has the said ties, irrespective of religion.

169. Furthermore, as regards foreigners' choice of first names, parents who, either one or both of them, are or have been of a foreign nationality, can give their child a name that has not previously been approved, without submitting the matter to the Ministry of Ecclesiastical Affairs, if they declare that the name is used as a first name in the country in which they both or one of them is or has been a national. This is apparent from Circular No. 24 of 1 March 1982 of the Ministry of Ecclesiastical Affairs on amendment of the legislation on personal names, part II, paragraph 9.

170. If there are other special ties with another country, an application for approval of a first name that is used as a boy's or girl's name in the country in question can also be granted. Such ties may be that the applicant was born in the country in question, that the grandparents are or have been nationals of the country or if the applicant can prove that he or she has lived in the country in question for a number of years.

Article 5 (d) (i)

Right to freedom of movement and residence

Provisions of the Integration Act

171. As mentioned above under article 3 in the review of the housing provisions of the Integration Act, the Act contains no prohibition on the alien's free choice of residence or removal. With the limitations applicable to all citizens, aliens falling within the Act can thus freely choose their place of residence or abode.

172. On the contrary, the Act contains an offer to refugees to participate in an introduction programme and receive an associated introduction allowance. The introduction programme presupposes that the refugees are associated with a municipality to which they are referred. It is expected that the overall integration efforts, etc., offered will constitute such important positive incentives that in most cases the individual refugee will want to remain in the municipality. However, the programme does not bind refugees to the municipality assigned.

173. Under the Integration Act, refugees participating in an introduction programme may move to another municipality and continue the introduction programme in this municipality if the local authority of the receiving municipality accepts to take over responsibility for the programme. The local authority has a duty to take over responsibility for the programme if the removal is of essential importance to the refugee's course of integration or if special personal circumstances otherwise so indicate.

174. A removal is, for example, of essential importance if an alien obtains employment or a specially adapted job-training scheme or is enrolled at an educational institution of another municipality to which there is no direct access by public transport. Illness among close relatives or the integration, work and educational opportunities of a spouse, if any, must be considered personal circumstances that can also lead to the local authority of another municipality having to take over responsibility for the introduction programme. Thus the receiving local authority can only refuse to take over responsibility for the introduction programme of a refugee moving to the municipality under certain conditions.

175. If a refugee moves without the local authority of the receiving municipality having accepted to take over responsibility for the introduction programme, the introduction allowance may be reduced or terminated. In this connection, it must be borne in mind that the introduction allowance is part of the overall offer of assistance for integration. It is thus a condition for receiving the allowance that the requirements stipulated in the Act are satisfied. In addition, in any specific decision to reduce the allowance, the local authority must take into account the reason why the alien has moved and the need for still receiving the allowance.

176. The provisions on housing of the Act are necessary to realize the object of the Act of an even geographical distribution of aliens and to ensure coherent and efficient integration efforts. It is furthermore of essential importance to

the continuity of the individual refugee's course of integration that the refugee remains a resident of the same municipality for the entire duration of the introduction programme.

177. To ensure that the specific application of the rules does not contravene rights under the Convention, both the text of the Act and the explanatory notes to the Bill state the criteria on which decisions concerning continuation of an introduction programme and reduction of the introduction allowance must be based. An important factor in this connection is that the local authorities are under an obligation to choose the measure which intervenes the least in relation to the individual refugee. Thus, the wording of the Act ensures proportionality between the objectives of the Act and the individual decision.

Article 5 (d) (iv)

Right to marriage

178. The Aliens Act (Consolidation Act No. 557 of 30 July 1998) has no provisions governing the right to marriage and to choice of spouse.

Family reunification

179. In relation to cases of family reunification, the following amendments can be mentioned

180. Act No. 380 of 22 May 1996 on amendment of the Aliens Act amended section 26 of the Aliens Act so that in connection with revocation (or refusal of extension) of an alien's residence permit, regard must be had to the question of whether the alien whose residence permit is to be revoked has been exposed to outrages, abuse or other ill-treatment, etc., in Denmark, as a result of which the alien is no longer cohabiting in a shared residence with his or her spouse or permanent cohabitant in Denmark. In this connection reference is made to the comments under article 2 on the report of the Committee on Women.

181. Act No. 473 of 1 July 1998 on amendment of the Aliens Act and the Criminal Code (straffeloven) amended the provisions on family reunification of the Aliens Act (Consolidation Act No. 557 of 30 July 1998).

182. It appears expressly from the explanatory notes to the bill to amend the said acts that the amendments to the provisions on family reunification are to be administered in a manner such that a residence permit is granted in situations in which refusal of a residence permit would be contrary to Denmark's international obligations, including the International Convention on the Elimination of All Forms of Racial Discrimination.

183. Act No. 473 of 1 July 1998 amended the requirement concerning the duration of the stay of the person residing in Denmark in cases of family reunification with a spouse where the person residing in Denmark is not a Danish national, a Nordic national or a refugee (sect. 9(1)(ii)(d) of the Aliens Act). In such cases, the person residing in Denmark has to have had a permanent residence permit for at least three years.

184. Generally, in the context of asylum or family reunification a permanent residence permit can only be issued after three years of lawful residence in Denmark. Furthermore, it is generally a condition for obtaining a permanent residence permit that the alien has completed an introduction programme, that during his or her stay in Denmark the alien has not, within a period fixed by the Minister of the Interior, been sentenced to a suspended or non-suspended custodial penalty, and that the alien has no debt due to the Treasury exceeding DKr 50,000(see sect. 11 of the Aliens Act).

185. The amendment means that, in future, the person residing in Denmark must have had lawful residence in Denmark for at least six years, where, formerly, five years of lawful residence was sufficient. It is thus ensured that an alien residing in Denmark who is entitled to family reunification with his or her spouse or cohabitant has such ties with Danish society that the alien can contribute to the spouse's or cohabitant's integration into Danish society.

186. The amendment introduced the rule that the statutory right to family reunification with spouses only exists if, at the time of filing the application, the applicant has lawful residence in Denmark in the form of a residence permit, a visa or a visa-exempt stay, or if very particular reasons make it appropriate(see sect. 9(8) of the Aliens Act). An applicant whose only basis for lawful residence in Denmark is that his or her application for a residence permit is being examined, for example an asylum-seeker, will thus not be able to obtain family reunification with a spouse unless very particular reasons make it appropriate. Such very particular reasons may exist, for example, if, in the specific case, it would be contrary to Denmark's international obligations to refuse an application for family reunification with a spouse.

187. A further new rule stipulates that the statutory right to family reunification with spouses does not exist if there are particular reasons to assume that the main purpose of contracting the marriage is to obtain a residence permit (see sect. 9(9) of the Aliens Act).

188. Another new rule stipulates that the statutory right to family reunification with spouses does not exist if contraction of the marriage is based on an agreement made by others than the parties themselves, and where one of the spouses or both spouses are under 25 years of age (see sect. 9(10) of the Aliens Act). The purpose of the rule is to protect young people against undue pressure to contract an arranged marriage.

189. At the same time, the maintenance requirement in cases of family reunification with spouses was abolished where the person living in Denmark is a Danish national, a Nordic national or a refugee. The new rule stipulates that - unless particular reasons make it inappropriate - it is required of the person living in Denmark who is not a Danish national, a Nordic national or a refugee that he or she proves his or her ability to maintain the spouse (see sect. 9(4) of the Aliens Act).

190. To ensure that the maintenance requirement is observed, a rule was introduced to the effect that the maintenance requirement in family reunification cases is assessed not only when an application for a residence permit is considered, but that it can also be assessed subsequently (see in

detail section 19(1)(iv) of the Aliens Act). At the same time it was specified that non-compliance with the maintenance requirement may result in revocation or refusal of extension of the residence permit. This can only occur while the residence permit is time-limited, that is, generally, within the first three years of lawful residence in Denmark.

Article 5 (e) (i)

Prohibition of differential treatment on the labour market

191. The Act on the Prohibition of Differential Treatment on the Labour Market, etc. (lov om forbud mod forskelsbehandling på arbejdsmarkedet) aims at eliminating discrimination against the groups covered by the Covention. A detailed description of the Act was given in Denmark's thirteenth report. See also the comments on the Act under articles 1 and 3 above. It should be noted that the Act deals not only with discrimination in situations of recruitment, promotion and dismissal, but also in connection with vocational guidance, education/training and the right to equal pay for equal work or work of the same value.

192. It was mentioned in Denmark's thirteenth report that the social partners shoulder heavy responsibilities in relation to the combat against ethnic discrimination on the labour market. In the State sector, the social partners have concluded an agreement prohibiting discrimination. See the comments under article 2 (para. 37 and paras. 93-101)on measures taken in the public sector. This agreement is intended to be an instrument for enterprises and employees in their efforts to prevent racial discrimination in enterprises.

193. During the period under review, the Commissioner of the Copenhagen Police brought charges for violation of the Act on the Prohibition of Differential Treatment on the Labour Market against a firm stating in job advertisements to recruit personnel that persons born in Denmark were preferred. The Public Prosecutor has pleaded for a fine of not less than DKr 3,000. The case has not yet been decided by the courts.

Questions concerning bank loans

194. With reference to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.35, para.13) the following can be stated.

195. Bank loans are granted in Denmark on the basis of an assessment of the individual's ability to pay back the loan with interest. One important aspect of this is how a defaulting borrower can be held liable through the legal system. Part of the assessment involves ascertaining how long the individual has been under Danish jurisdiction, inter alia by asking for information on citizenship. If the individual is a Danish citizen, there is reason to believe that the individual's contact with Denmark is of a more permanent nature. If the individual does not have Danish citizenship, the financial institutions will ask for information about the length of stay in Denmark and the work permit before granting loans. In the view of the Government this is based on objective reasons and is not in conflict with Danish law on racial discrimination. Furthermore, the international rules against international money laundering also require that

financial institutions keep track of their customers, in accordance with the internationally acknowledged principle of "Know your customer".

196. The Government therefore maintains that Danish financial institutions do not discriminate against residents of non-Danish ethnic or national origin. In this connection, reference is made to the comments under article 6 below concerning remedies.

Article 5 (e) (iii)

197. Reference is made to the comments under article 3 concerning the rules for renting and assignment of public dwellings.

Comments on activities aimed at refugees and immigrants under the housing/social initiatives the Government's City Committee

198. Refugees and immigrants in Denmark - like in other European countries - often live in residential areas which already accommodate groups of people with both social and other problems. A questionnaire survey by the Ministry of Social Affairs in 1994 revealed that in disadvantaged residential areas which the local authorities singled out as having many residents with social and other problems, 20 per cent of the population on average - with a variance of 0 per cent to 40 per cent and more - spoke a foreign language.

199. When the Government's City Committee implemented its large cross-action programme in 1994 in order to prevent the formation of ghettos and social marginalization, one of the overall objectives was to endeavour to integrate the ethnic groups living in Denmark.

200. In the first place, the programme provides housing/social benefits targetd generally to urban and residential areas under strain and residents in these areas, including non-Danish residents. Examples of such benefits are low-price eating houses, clubs and excursions. These contribute to creating contact and understanding between Danish and non-Danish residents in these residential areas.

201. Secondly, a relatively high proportion of housing/social projects are aimed directly at refugees and immigrants. The Centre for Cross-Cultural Housing Activities has made a nation-wide survey of these City Committee projects and states that there is a total of 107 of them. The activities under these goal-oriented projects range from counselling, special facility centres for children and young people, Danish lessons and Danish social scheme courses to employment, hobbies and sports aimed especially at women.

202. In connection with the implementation of the City Committee cooperation a leaflet, "De etniske minoriteter i boligområderne" (ethnic minorities in housing communities) has been published, offering useful advice and experience regarding integration. The leaflet has been sent to local authorities, housing associations and others.

203. About 80 per cent of all the housing/social projects which were implemented from 1994 to 1997 will be continued in the period 1998-2003.

204. The number of women and children from ethnic minorities at the crisis centres in Denmark is increasing. Exact information about the problems which this group has is not available. The Ministry of Social Affairs has therefore requested that a survey be made to ascertain why these women and children stay at crisis centres and to illustrate the needs of women from ethnic minorities during and after their stay in such centres. The survey is being carried out by Formidlingscentret for socialt arbejde (the liaison centre for social work) in Esbjerg, which states that comprehensive data will be available for processing and analysis by the end of 1998.

205. In following-up to a meeting organized by the Ministry of Social Affair's on 3 June 1997 with from various groups involved with women from ethnic minorities at crisis centres, a seminar was held in November 1997 at the initiative of the Ministry. At this seminar, the theme "Women and children from ethnic minorities at crisis centres" was illustrated from the psycho-social, cultural and legal points of view. On the basis of the survey mentioned above, another meeting will be held with the same participants, who are being kept informed by way of newsletter updates.

Article 5 (e) (iv)

Right to medical treatment

206. Any person with residence in Denmark, regardless of race, colour, nationality or ethnic origin, has the right to receive medical treatment for of health problems. This is a consequence of the Danish Acts on Health Insurance and Hospital Services. Only patients' need for treatment determine which treatment the receive.

207. The Danish Ministry of Health is not in possession of information or reports about problems of racial discrimination against patients in the context of hospital treatment or consultations with general practitioners.

208. Foreigners are entitled to receive help from an interpreter free of charge in connection with health services at hospitals. General practitioners are also bound to offer help from an interpreter free of charge if it is necessary to achieve satisfactory treatment of the patient.

209. Regardless of this, it can be a difficult situation for patients as well as for health personnel. Some patients will therefore choose family members as interpreters, which may cause misunderstandings. It is advised by the health authorities not to use children as interpreters, unless it is impossible to obtain the services of an adult interpreter. For some languages there is regrettably still a lack of qualified interpreters with an in-depth knowledge of medical terms.

210. In the present parliamentary session, the Government will submit the Council of Europe Convention on Human Rights and Biomedicine to the Danish Parliament (Folketinget) with a view to obtaining the approval of the Folketing for the ratification of the Convention.

211. The European Convention establishes certain fundamental health rights concerning consent, private life, the right to information, the human genome,

scientific research etc. These rights are minimum standards which each party shall implement by taking the necessary measures in its internal law.

212. Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine.

Right to social security

Provisions of the Integration Act

213. Under the Integration Act, a special introduction allowance is offered to refugees and immigrants who are not self-supporting or maintained by others during the introduction period.

214. To start off with, the introduction allowance is lower than the usual cash assistance that will be granted to aliens who may not be able to support themselves after expiry of the introduction programme. On the other hand, the introduction allowance is not reduced as heavily as the usual cash assistance as the recipient gradually gets a foothold in the labour market. This means that the introduction allowance may be higher than the ordinary cash assistance in situations of part-time employment.

215. Thus, the introduction allowance ensures that refugees and immigrants can be employed part-time while at the same time - through retention of a major part of the basic benefit - they have a substantial incentive to continue the intensive language lessons. Thus, the benefit is adapted to the special situation of newly arrived aliens.

216. The Integration Act stipulates a number of conditions for payment of the introduction allowance.

217. It is a condition for payment of the introduction allowance that the alien satisfies the conditions of the Danish Act on an Active Social Policy. This means that the alien must accept a reasonable offer of work and that it is a condition that the alien does not own property of more than a certain value.

218. Furthermore, no introduction allowance is payable if the alien and his or her spouse have income of a certain amount.

219. If a person living in Denmark has taken upon himself or herself to maintain the alien, and if the family reunification is conditional upon the person in question having proved that he or she is able to do so, the alien does not qualify for an introduction allowance. However, under certain circumstances continuous assistance can be granted to this group of persons.

220. Aliens who qualify for a grant from the State Education Grant and Loan Scheme, or who satisfy the conditions for the award of a disablement pension pursuant to the Social Pensions Act, are not eligible for the introduction allowance. On the other hand, receipt of an introduction allowance is no bar to the payment of benefits under other legislation.

221. The introduction allowance may be reduced by up to 20 per cent if the alien or his or her spouse is absent from the introduction programme without reasonable cause.

222. The introduction allowance may also be reduced or terminated if the alie or his or her spouse refuses to participate in the introduction programme without reasonable cause.

223. These provisions correspond fully to the rules applying to Danish nationals under the Act on an Active Social Policy with respect to reduction o termination of assistance for maintenance, and it is presupposed that the rule will be administered according to the same principles. As stated in the Memorandum to the Integration Bill, assessment of whether the alien had reasonable cause for the absence or the refusal is based on what the alien is deemed to be able to manage.

224. The Integration Act renders it possible to grant assistance in special cases, in addition to payment of the introduction allowance. Such assistance m be assistance in case of failure of maintenance, assistance towards expenses towards participation in introduction programmes, assistance for non-recurrent expenses reasonably incurred, assistance towards expenses for medical treatmen special assistance for children and assistance for removal.

225. In a comparison of the rules on payment of an introduction allowance to newly arrived aliens and the rules for payment of social benefits to Danish nationals, it is important to emphasize that Danish legislation in the social field consists of a large number of special benefits targeted at the different needs of various groups of persons. The benefits may be benefits to maintenanc or benefits - depending in general on the recipient's other earnings - to cove special isolated needs. The assistance often takes the form of special pecunia benefits or special activating benefits adapted to the individual needs of the recipient.

226. In line with other legislative provisions in the social field, the provisions of the Integration Act are adapted to cover the recipient's special needs. The Integration Act builds upon the principle that newly arrived aliens they need a targeted effort to provide them with the necessary qualifications for participating in Danish society on an equal footing with Danes.

227. It is thus a fundamental idea behind the Integration Act that newly arrived refugees and other newly arrived aliens need to receiving a number of benefits adapted to their special situation. With the Integration Act, a targeted effort will be made from the beginning to ensure that newly arrived refugees and other newly arrived aliens acquire the necessary qualifications t participate in Danish society on an equal footing with the rest of the population.

228. In this connection, reference is made to the comments on the introductio programme made above under article 2.

Article 5 (e) (v)

229. Further to Denmark's thirteenth periodic report (CERD/C/319/Add.1, paras. 92-97), the Ministry of Education calls attention to the following initiatives to promote the integration of refugees and immigrants.

Pre-school and basic school

230. Since 1976, all immigrant children in basic school have had a right to receive mother-tongue instruction three to five hours a week. In 1998, about 50 per cent of all immigrant children receive instruction in their mother tongue. The Ministry of Education is currently considering new initiatives to improve the quality of the mother-tongue instruction and strengthen the bilingual pupils' learning of Danish. For instance, the publication of a special textbook on mother-tongue instruction of bilingual pupils' is envisaged. Furthermore, initiatives have been taken to revise the existing executive order and the associated guide on mother-tongue instruction of bilingual pupils.

231. As part of the endeavours of the Government to strengthen the integration of the children of refugees and immigrants, an amendment to the Act on the Folkeskole (see Act No. 486 of 1 July 1998) has made it obligatory for the local authorities to give language stimulation to bilingual pre-school children from the age of four. The Act replaces Act No. 413 of 22 May 1996 which only provided the local authorities with the possibility of offering these activities. The purpose of the special pre-school offers is to ensure that bilingual children have sufficient knowledge of the Danish language before they start school.

232. If the children have been admitted to a day-care centre, special support is to be offered if it is estimated that the development of the children's language cannot be sufficiently promoted within the pedagogical possibilities of the centre. If, on the contrary, the children have not been admitted to a day-care centre it is obligatory for the local authorities to give language stimulation 15 hours a week to develop the children's language. The offers for pre-school children consist primarily of play and other language stimulation activities.

233. The Government has appropriated DKr 66.4 million over a period of four years to carry these offers into effect.

234. Furthermore, a possibility has been created to choose an immigrant language as an optional subject under paragraph 9, 6 of the Act on the Folkeskole. The purpose is to develop the bilingual and bicultural competence of the young refugees and immigrants, to the benefit of both the young people themselves and Danish society. The Ministry has started work on drawing up goals, curricula and teacher guides for this instruction.

235. As mentioned in the thirteenth report as a follow-up to the action programme of the City Committee, DKr 100 million were appropriated in 1993 for a four year integration programme. One of the purposes was to promote an alternative distribution of Danish and bilingual pupils, for example by maintaining Danish pupils at schools with many bilingual pupils. Another purpose was to promote instruction in Danish. Experience and best practice from the

project will be passed on to the local authorities in the course of 1998 and 1999.

236. Furthermore, the Ministry has established a development centre for the instruction and education of bilingual children and young people as a temporary arrangement. The centre has to collect, work up and pass on experience and knowledge of bilingual pupils' qualifications and requirements in connection with instruction and education.

Youth education

237. In upper secondary school "bilingual pupils" are given priority within the research and development area.

238. A special research project has been carried out on bilingual pupils attending upper secondary schools and higher preparatory examination courses and based on this project special reports have been published forming the basis for the continuing training which is offered to teachers in upper secondary schools. Furthermore, the Minister of Education has initiated reform of technical vocational training courses. One of the objectives will be to provide better opportunities for taking the special qualifications of refugees and immigrants into account.

239. In the area of vocational training in general, the possibility of refugees and immigrants grants to take qualifying and special introductory courses will continue, and so will the possibility for them to apply for grants from the Ministry of Education's grant fund for development projects.

240. Furthermore, the separate school practical training is being continued, which means, for example, that vulnerable groups like ethnic minorities who do not have a training agreement with a company, will be able to receive practical training in a school.

Further and higher education

241. Especially important to refugees and immigrants are the separate preparatory courses which have been established at some of the institutes for social educators and teacher training colleges. The aim of these courses is to give participants sufficient linguistic, cultural and general skills to enable them to seek admittance to institutes for social educators and teacher training colleges. The courses are well attended and the teacher training colleges are showing a growing interest in offering these courses.

242. Some teacher training colleges have established special teacher training for bilingual students. This special teacher training course is planned in accordance with current acts and executive orders on teacher training, except that one of these students' two main subjects is their mother tongue, for the teaching of which they are to acquire qualifications.

Adult education

243. As an element of the total initiatives of the Government to strengthen efforts for the integration of refugees and immigrants, in 1998 a new act was

passed on instruction in Danish as second language for adult foreigners and others and language centres (Act No. 487 of 1 July 1998). The act replaces the act on instruction of adult immigrants.

244. Under the new Act, responsibility for instruction in Danish has been transferred to the local authorities in order to create greater consistency with the other integration efforts of the local authorities. The local authorities are to work together on running and financing the language centres, which are to offer qualified and affordable instruction which conforms to the language qualifications and goals of the individual adult. Furthermore, the Ministry prepares central curriculum guidelines for the different training levels as well as rules for central tests for the final levels in order in this way to ensure equal national rules. During the training course, the pupil's benefit from the training is evaluated. The Ministry of Education will prepare guidelines for this evaluation.

245. Finally, from 1 September 1998, a new training course as teacher of Danish as a second language for adults is being offered. The training replaces the immigrant teacher course of 150 lessons and the alphabet course of 44 lessons. Admission requirements for the training is either teacher training with a language as the main subject, a bachelor's decree (language) or other special qualifications in the field of language acquisition. The duration of the training is one student year full-time equivalent and the training is provided under the Open Education Act, i.e. partly user financed.

Article 5 (f)

Act Prohibiting Discrimination on the basis of Race

246 The Act Prohibiting Discrimination on the basis of Race (see under article 3 above) prohibits differential treatment in commercial or non-profit business. It is thus a criminal offence to refuse to serve a person on the same terms as others because of his or her race, colour, national or ethnic origin, religion or sexual inclination. It is also an offence to refuse admittance to the person on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public (see Consolidated Act No. 626 of 29 September 1987).

247. During the period under review, three cases concerning violation of the Act have seen a conviction, and three other cases have been settled by the persons provisionally charged accepting out-of-court fines.

248. In the first case the head of department at the Fast Food Cafe of the Danish State Railway (DSB) at the Central Station in Copenhagen was sentenced to a fine of DKr 2,000 for having been responsible for the staff of the cafe refusing to serve Gambians and other dark-skinned persons.

249. In two cases, discotheque bouncers were sentenced to fines of DKr 1,000 for having refused entrance to persons because of the persons' colour and ethnic origin, and in a similar third case a bouncer in Odense accepted to pay a fine of DKr 1,000 without the case being tried by the court. In two other cases, the bouncers were acquitted as the courts did not consider it proved that the persons had been refused entrance because of their ethnic background.

250. Finally, the owner of a shop in Copenhagen has accepted to pay a fine of DKr 5,000 for having refused entrance to tourists, immigrants and foreigners to the shop on the same terms as other customers. Persons belonging to these groups were only admitted one at a time and only when they were not wearing a coat.

251. About 20 cases have been closed without any charges being brought.

Article 6

Remedies

252. In the concluding observations of the Committee on the Elimination of Racial Discrimination concerning Denmark's thirteenth report (CERD/C/304/Add.35, para.21), the Committee recommends that Denmark inform the Committee on the implementation of article 6 of the Convention.

253. Violations of the acts against discrimination and differential treatment and the prohibition in section 266 b of the Criminal Code of dissemination of racist statements or racist propaganda are subject to public prosecution, i.e., the Public Prosecutor commences prosecution before the courts. Thus private individuals can lay information on violation before the police, but cannot themselves bring a criminal case of violation before the courts. If the Public Prosecutor deems that no offence has been committed and therefore discontinues the investigation, or if the Public Prosecutor deems that it will not be possible to bring evidence sufficient for conviction and therefore abandons prosecution, the injured party will be notified thereof and this notification will state that, under section 101 of the Administration of Justice Act, the decision can be appealed to the superior authority, the District Public Prosecutor.

254. If a charge is brought for violation, the injured party can, if relevant, claim compensation for pecuniary or non-pecuniary damage during the trial of the criminal case, which claim can be considered by the court concurrently with the criminal case. However, it is possible for the court to separate the claim for compensation for individual hearing in a civil action. If the criminal case is closed before trial, the injured party still has the possibility of bringing a civil action claiming compensation.

255. An individual who believes that he or she has been the subject of discrimination in violation of the Act Prohibiting Discrimination on the Basis of Race, interpreted in the light of the International Convention on the Elimination of all Forms of Racial Discrimination, can thus bring a civil action before the courts.

256. The possibility of claiming compensation is described in further detail in the second report (CERD/C/R.77/Add.2, page 3) the tenth to twelfth reports (CERD/C/280/Add.1, paras. 100 - 102) and in the Danish core document (HRI/CORE/1/Add.58, para. 60).

257. If an individual finds that an administrative decision violates the Act Prohibiting Discrimination on the Basis of Race, interpreted in the light of the Convention, he or she can institute a declaratory action against the

administrative authority in question calling for the said administrative decision be held invalid. An example is that a local authority's administration of an approval scheme under the housing legislation was declared unlawful by judgment of 22 January 1991 of the Eastern High Court, the High Court stating that the housing legislation should be seen in connection with the Act Prohibiting Discrimination on the Basis of Race. In a number of instances the local authority had failed to approve people of a foreign nationality seeking homes for a flat merely because of their nationality.

258. Thus the Danish authorities must apply the provisions of the Convention in connection with the interpretation and the application of Danish law.

259. As regards the administration of public authorities, an individual can also complain to the Ombudsman. The powers of the Ombudsman have been laid down by Act No. 473 of 12 June 1996 on the Parliamentary Ombudsman (lov om Folketingets Ombudsmand), referred to in the tenth to twelfth periodic report (CERD/C/280/Add.1, paras. 42 - 47), and the Danish core document (HRI/CORE/I/Add.58, para. 58). The Ombudsman can consider complaints concerning the public administration and make general investigations into the processing of cases by an authority. When investigating whether an authority violates current law or has in any other way made a mistake when performing its duties, the administrative authority has a duty of disclosure towards the Ombudsman, who can also summon people to the court to testify under oath. The Ombudsman can publicly criticize an authority's administration or specific decisions and make recommendations, but he cannot make any legally binding decisions.

260. The Ombudsman does not consider himself competent vis-à-vis authorities under the Home Rule Administrations of the Faroe Islands and of Greenland, whereas Faroese and Greenland affairs governed by the central authorities are subject to the Ombudsman's powers.

261. Reference is made to the section below on the decided cases of the Ombudsman during the period under review.

262. As a matter of form it should be mentioned that at present a case regarding article 6 is pending before the Committee on the Elimination of Racial Discrimination (see Communication No. 10/97, Mr Ziad Ben Ahmed Habassi v. Denmark). The applicant has submitted that the Government of Denmark has violated article 2, paragraph 1 (d) and article 6 of the Convention in a case where the applicant laid information before the police against a private bank concerning an instance of alleged discrimination contrary to article 1 of the Convention in connection with a loan application. The applicant is of the opinion that the police investigation of the case, ending with the police discontinuing the investigation, was inadequate.

263. As is apparent from the pleading of the Government of Denmark, the Government finds that the police conducted a serious investigation in connection with the applicant's information to the police, with the purpose, inter alia of clarifying whether the conditions for imposing criminal liability were fulfilled. On the basis of the information given during the investigation, the Chief Constable (and subsequently the District Public Prosecutor) made a specific assessment of the evidence. In addition to this there is no basis either for criticizing the legal assessment of the case made by the Chief

Constable and the District Public Prosecutor. In this connection reference is made to the comments under article 5 (e) (i) above concerning the question of bank loans.

Compensation under the Act on the Prohibition of Differential Treatment on the Labour Market

264. Persons whose rights have been violated by failure to comply with the Ac on the Prohibition of Differential Treatment on the Labour Market, etc., may b awarded compensation. Danish courts of law and industrial tribunals are responsible for enforcement of the Act. Until now, the Act has been invoked in case of sexual harassment. The woman concerned was awarded compensation, but n owing due to the Act on the Prohibition of Differential Treatment on the Labou Market. The compensation was awarded within the framework of the act on equal treatment of men and women, with reference to sexual harassment. Furthermore, case concerning practice of religion at a vocational training centre has been settled in court. The practice of religion was not considered discriminatory. criminal case concerning differential treatment on the basis of race has been referred to under article 5 (e) (i) above.

265. It is to be expected that the Act will be increasingly used as the many measures and initiatives taken to improve the labour market situation of ethni minorities begin to show effect . Consideration has also been given to introducing a more simple complaints procedure so that it will not be necessar to bring legal proceeding before courts of law in order to settle cases concerning ethnic discrimination.

Cases brought before the Parliamentary Ombudsman

266. During the period from the autumn of 1996 up to now the Ombudsman has ha nine cases presented to him which included legal objections relating to the Convention. Five of these were about possible discrimination on the basis of ethnic origin. One of the cases was about possible violation of the rights of religious groups. The last two were about discrimination on the basis of sexua orientation.

267. None of the cases was submitted to an Ombudsman investigation. Thus the Ombudsman has not had the opportunity to make a statement on whether or not th Convention was violated.

Article 7

Education and training of the police

268. In its concluding observations on Denmark's thirteenth periodic report (CERD/C/304/Add.35, para. 7), the Committee on the Elimination of Racial Discrimination stated as a positive aspect the progress made in the human righ education and training of the police and employees with the Public Prosecutor. In addition to the subjects mentioned in paragraphs 98 and 99 of Denmark's thirteenth periodic report, the basic training includes 166 lessons psychology The tuition is given by psychologists and includes, *inter alia*, general psychology, socialisation, subcultures and marginalisation.

269. The compulsory further training programme for police personnel also comprises tuition in human rights. One of the themes of the programme is "police and society", the goal being that participants gain more knowledge of social changes of importance to police work and are supplied with more knowledge of the human rights conventions and the Convention relating to the status of Refugees and their influence on Danish legislation. The programme also includes special matters to be observed in connection with interviewing aliens, as well as tuition in foreign cultures. The goal is to impart to the participants an understanding of the role of the police in society with many ethnic minorities, as well as knowledge of the influence of culturally conditioned conduct on the interaction between aliens and the police. In addition, tuition is provided in more general subjects, including communications, identification of police roles, ethics and morals, and on the police as a service body.

270. At present, the Council of Europe is implementing a three-year programme: "Police and human rights - a matter of good practice". In this programme, the Danish Police Academy (Politiskolen) will grant support for the development of teaching materials, etc., in the human rights field, inter alia, for use in the Central and East European countries. In this connection, the Police Academy will make police expertise available to the Danish Centre for Human Rights (Det Danske Center for Menneskerettigheder), which is planning to produce a video together with the Council of Europe introducing the European Convention on Human Rights from a police point of view.

271. Moreover, together with the Copenhagen Police and the Documentation and Advisory Centre on Racial Discrimination (Dokumentations- og Rådgivningscentret om Racediskrimination), among others, the Police Academy is participating in a European Union-subsidized project: "Police training for a multi-cultural society", the object of which is to develop training methods and networks for the promotion of understanding and cooperation between the police and ethnic minorities, and also to prepare communication training programmes for all employees.

272. Several large police districts have implemented a number of initiatives in relation to ethnic minorities, continuing dialogue with the ethnic minorities being a central element. One example is the special strategy drawn up by the Copenhagen Police (see annex III), referred to in the oral review of Denmark's thirteenth periodic report (CERD/C/SR.1221, para. 35). The management of the Copenhagen Police has meetings four to six times a year with representatives of the Council for Ethnic Minorities (Rådet for etniske minoriteter), SOS against Racism (SOS mod racisme) and the Documentation and Advisory Centre on Racial Discrimination. The meetings are attended by one of the assistant police commissioners and a representative from each police station in Copenhagen. The purpose of the meetings is to identify areas of conflict and to seek to solve them, and to brief each other on problems in the interaction between police and ethnic minorities within the individual station territories. The task of the station representatives is to keep in contact with ethnic organizations and clubs within the station territory.

273. Another example is the Århus police district, which has included subjects relating to the prevention of discrimination in its cross-disciplinary local training of police personnel. An ethnographer from the University of Århus has, for example, given a speech on "foreign cultural backgrounds", focusing

especially on an understanding of cultural backgrounds that improves the ability of the police to avoid performing acts that may be perceived as a nuisance and possibly discriminatory by ethnic minorities because of cultural differences. Furthermore, in the internal training of uniformed police in recent years, the Århus police have taken up subjects that draw attention to the possibility of erroneous perception of police measures, presented by various external speakers on topics of ethics, human values and ethnic cultures, to enhance understanding of the importance of correct official conduct, including towards ethnic minorities.

274. Other police districts in Denmark with smaller concentrations of ethnic minorities have focused on the problem of police relationships with ethnic minorities by letting employees participate in seminars on ethnic issues and immigrant problems within the framework of school/social services/police cooperation.

275. As regards the ethnic composition of the students at the Police Academy, it is estimated that 4 to 4.5 per cent of the students in recent classes are of another ethnic background than Danish. In this connection, it is to be noted that Danish nationality is a condition for admission to the Police Academy and that other ethnic background is not recorded. For this reason, more exact information is not available.

Appropriations in the integration field

276. As mentioned in Denmark's thirteenth report, the Ministry of the Interior is in charge of several appropriations from which subsidies can be granted for objectives promoting integration.

Experimental fund

277. As an extension of the Government's action plan for aliens in Denmark, which was submitted in May 1996, a fund was established for experimental activities within the immigrant and refugee fields, in Denmark and abroad.

278. When subsidies are granted from the fund, it is emphasized that the activity in question should contribute to developing new forms of practice and policy in the immigration field or to improving the situation where such improvement is particularly needed. Initiatives concerning the integration of immigrants and refugees, including the prevention of intolerance against person from ethnic minorities and the advancement of ethnic equality, have high priority when allocations are made. Examples of projects supported through the fund are therapeutic programmes for a refugee family, remuneration of legal staff for a hotline on discrimination, subsidies for a campaign on ethnic equality in the labour market and subsidies for running a centre for cross-cultural housing work (Center for Tværkulturelt Boligarbejde).

Operations fund

279. From this fund, subsidies are granted for the activities of immigrant and refugee organizations, including magazine publishing. Subsidies are also granted to a non-profit organization in charge of the Danish-language magazine Samspil, dealing with subjects concerning the situation of ethnic minorities in Denmark.

The purpose of the subsidies is to promote the integration of immigrants and refugees in Danish society.

Cultural appropriation

280. In 1998, DKr 6 million were appropriated for cultural and educational activities for and about immigrants and refugees.

281. Grants from the appropriation are given by the Ministry of the Interior on the basis of recommendations from the committee set up in conjunction with the appropriation. The committee consists of three representatives of the Council for Ethnic Minorities, a representative of the immigrant organization IND-SAM, a representative of the National Association of Local Authorities in Denmark, two representatives of the Ministry of the Interior and two members personally appointed by the Minister of the Interior.

282. It is foreseen that distribution of part of the appropriation for educational activities may be entrusted to a number of humanitarian and voluntary organizations working with immigrants and refugees.

283. The purpose of the grant is to support cultural and educational projects that help to create greater understanding, tolerance and openness towards refugees and immigrants in Denmark.

284. Support can be granted for meetings and cultural arrangements for Danes and immigrants/refugees. The arrangements envisaged are arrangements at both the community and municipal levels, as well as across municipalities. Furthermore, support can be granted for projects such as making video films or records, publishing books, theatre performances, thematic weeks, starting up local radio stations, etc.

Integration fund

285. In connection with the passing of the Integration Act (see above under article 2), an integration fund of DKr 190 million was established for disbursement over a period of several years following discussions with the local authorities.

286. Part of the fund will be allocated for support to organizations for ethnic minorities, including humanitarian organizations working for ethnic minorities.

287. In addition, subsidies from the fund will be granted in connection with the transfer of the integration task from the Danish Refugee Council to the local authorities, enhanced integration efforts for aliens who arrived before the Integration Act was passed and therefore are not covered by the Act, and support to local authorities with very high housing expenditure in respect of refugees.

Information on subjects relating to ethnic minorities and on the Convention

288. To enhance the level of information on ethnic minorities, the Ministry of the Interior and the Danish Immigration Service publishes a magazine about aliens in Denmark (Nyhedsbrev om Danmarks Udlændinge). The magazine has articles

of relevance to the immigration field, including information on legislation within the field, projects and statistical data. The magazine also provides information on international initiatives in the immigration field and on Denmark's reports pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination and on the examination of Denmark in this respect. Finally, each issue of the magazine features an article written by a guest author describing subjects of relevance to refugees and immigrants.

289. In addition to the magazine about aliens in Denmark, the Ministry of the Interior, as mentioned above, grants subsidies from the operations fund to Samspil, an independent magazine discussing issues relating to the situation of ethnic minorities in Denmark.

290. Furthermore, the Board for Ethnic Equality issues a number of publications on subjects relating to the fight against racial discrimination and the advancement of ethnic equality. Among the publications of the Board in 1997-1998 can be mentioned the books Medierne, Minoriteterne og Majoriteten - en undersøgelse af nyhedsmedier og den folkelige diskurs i Danmark and Etniske Minoriteter og Hverdagslivet.

291. As mentioned above, subsidies are granted from the cultural appropriation to a number of activities aimed at providing information on the situation of ethnic minorities. An example is subsidies to local radio stations that provide information on the situation of refugees and immigrants. Subsidies can also be granted for thematic issues of magazines, when the theme concerns ethnic minorities.

Activities in connection with the European Year against Racism 1997

292. Denmark initiated a number of activities on the occasion of the European Year against Racism 1997. To advise the Ministry of the Interior on the implementation of the Year in Denmark and in accordance with the recommendations of the European Union resolution, the Ministry of the Interior set up a coordination committee with representatives of several NGOs. The coordination committee decided to concentrate the activities of the Year on four main themes:

- Ethnic equality in the labour market;
- Youth;
- Artistic and humanistic Denmark ;
- Denmark's obligations under international conventions.

293. The strategy of the coordination committee was to involve local forces in the work against racial discrimination and to start up initiatives that extended into the future and did not concentrate only on 1997.

294. In connection with the launching of the Year, a helicopter brought messengers against racial discrimination to nine groups in various places in the country which undertook to fight against discrimination of ethnic minorities in their local communities. The messengers helped focus attention on the general responsibility for the fight against discrimination and for the advancement of ethnic equality. This started a number of local initiatives, some of which have continued in 1998.

295. In addition, in connection with the Year, the Ministry of the Interior arranged five competitions for the best poem, the best comic strip, the best poster, the best children's book and the best television programme. A decisive requirement was that the project should be of a high artistic quality and would retain its value in the future. The winners were selected by a committee of experts and were presented with awards by the Minister of the Interior in connection with the conclusion of the Year. The projects were well received. Thus, one of the leading newspapers published an article on all the projects on the front page of the cultural section of the newspaper and a comic strip in the paper every day for a week. The children's book was also well received by the critics.

296. In January 1998, a conference was held to make an appraisal of the initiatives in 1997, to prepare action plans for 1998 and to hand over responsibility for 1998 for continuing the initiatives started to the Board for Ethnic Equality. This method ensures that 1997 will not be an initiative that stands alone, but will be the first of a large number of initiatives to ensure ethnic equality at all levels.

Measures in the field of education

297. The Danish education system builds on the basis of equality. In the preamble of the Folkeskole Act which is the basis of all education and training in the Folkeskole, it says in paragraph 1.3(see Act No. 561 of 25 June 1997): "The Folkeskole has to make the pupils familiar with Danish culture and contribute to their understanding of other cultures and the interplay between nature and man. The school prepares the pupils for joint influence, joint responsibility, rights and duties in a society with freedom and democracy. The school's training and daily life is therefore to build on intellectual liberty, equality and democracy."

298. This purpose implies that training in the schools involves human rights and teaching of human rights as a general level. In addition to this, the Ministry of Education has stipulated for a number of subjects that teaching of human rights be included more specifically in the subject in question. This applies to subjects like history and social studies. Correspondingly in the latest regulation on teacher training (regulation No. 382 of 19 June 1998), a provision has been added for the obligatory subject of educational theory according to which human rights are part of the central knowledge and proficiency fields of the subject.

299. The Ministry of Education has also supported the development of projects and information material on how to react to teasing and mobbing, including naturally mobbing which may assume the character of hidden discrimination. At the moment work is going on to develop methods which can involve pupils, teachers and parents in a close, equal and binding cooperation. The purpose is that the parties individually and together take responsibility for ensuring that teasing and mobbing will not be allowed to develop but that on the contrary peace and tolerance will rule in the classroom.

300. As part of the follow-up to the courses on teaching in human rights which were held by the Ministry of Education in cooperation with the Danish Centre for Human Rights, it has been decided to hold an international conference in

December 1998. The participants in the courses as well as the conference are primarily continuing training teachers within basic school training and youth education. There are, for instance, participants from educational centres and county teaching-aid centres, teacher training colleges and the Royal Danish School of Educational Studies, as well as representatives of the Danish Red Cross, the Danish Refugee Council, Amnesty International and Danchurch Aid. The intention is that the individual participants within their own educational fields locally and regionally will carry out and develop courses and projects so the training in the individual school and the individual class can profit from the newest developments, results and teaching material. At the conference the newest international teaching materials and methods will be introduced and evaluated by the participants and international key note speakers.

301. The courses and the conference on teaching of human rights which primarily is part of the United Nations Decade for Human Rights Education are being held as part of the Ministry's effort to counteract racial discrimination.

Measures in the field of culture

302. As mentioned under article 4, a fund of DKr 50 million has been set aside to support local non-commercial radio and television stations. Many local broadcasting and television stations receive support from this fund, including a number of ethnic stations.

III. REPORTING ON GREENLAND

Part A

Danish implementation of the Convention concerning Greenland

303. Reference to made of Denmark's thirteenth periodic report(CERD/C/319/Add.1,paras.122-178)and to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.35, paras.21-23), in which the Committee requested further information concerning Greenland. In this respect the following information is provided.

304. Under the Home Rule Act, legislative and administrative powers are delegated to the Home Rule Authority for specific areas appertaining to Greenland affairs. Accordingly, the national implementation of the Convention for these areas transferred to Home Rule is the responsibility of the Home Rule authorities, **see below under Part II**.

305. All national legislation for Greenland, whether issued by the Danish Parliament or the Greenland legislative assembly, the Landsting, is available in both Greenlandic and Danish. Thus Danish Act No. 289 of 9 June 1971 on the prohibition of discrimination on account of race, etc., is available in Greenlandic and Danish. Steps are being taken to translate the Convention into Greenlandic, together with other conventions ratified by Denmark before the introduction of Home Rule. This translation will be undertaken as soon as possible.

Article 6

306. The Administration of Justice system for Greenland is mentioned in CERD/C/319/Add.1,paragraph 139-141, and further clarified below.

307. By the introduction of the Administration of Justice Act for Greenland and the Criminal Code for Greenland issued in 1951 and 1954 respectively by the Danish Parliament, account was taken of then the existing customs and customary law of Greenland. Revision of these Acts is now undertaken by a Danish-Greenlandic commission headed by a judge of the Supreme Court. Proposals for revised Acts will be brought before the Greenland assembly prior to their introduction in the Danish Parliament and enactment in Greenland.

308. Under the Administration of Justice Act for Greenland courts of justice are established for the resolution of conflicts - between individuals or between individuals and public authorities.

309. The Administration of Justice Act is in force for Greenland without ethnic criteria. The local courts of first instance are headed by lay judges chosen for their knowledge of the local community and people and of the Greenlandic language. Apart from these courts, persons of the legal profession in the Greenland Administration of Justice system are at present mainly Danes. Accordingly, the court languages are both Greenlandic and Danish, and interpretation is obligatory for all legal proceedings.

Agreement between the Danish Government and the Home Rule Government concerning the municipality of Thule (Qaanaaq)

310. Since the submission of Denmark's **thirteenth** report (CERD/C/319/Add. 1, paras. 130-135), the dialogue between the Danish Government and the Greenland Home Rule government on ways to improve conditions for the municipality of Thule (Qaanaaq) has continued.

311. By agreement between the Danish Government and the Greenland Home Rule Government (Lansstyret) on 31 January 1997 the Danish funding to improve conditions for air traffic to and from the municipality of Thule was diverted from the construction of a transit site on the Thule Air Base to the construction of a runway in the main village of the municipality. The Danish Government and the Greenland Home Rule Government declared in this agreement that a satisfactory solution to all outstanding matters concerning the Thule case was thereby reached.

312. As mentioned in paragraph 134 of Denmark's **thirteenth** report, legal action against the Prime Minister's Office was taken by a group of citizens in Qaanaaq in December 1996 to establish liability to pay damages in the context of the relocation in 1953. This lawsuit remains pending before the High Court.

313. This section is based on material received from the Greenland Home Rule Government.

Article 1

314. The climate in Greenland is arctic, with low temperatures, long dark winters and short bright summers. The most important land mammals are reinde and musk ox. Walrus and various species of seal and whale are of great importance to the diet. Today, shrimp fishing is of major importance to the economy.

315. As of 1 January in 1998, the total population of Greenland amounted to 56,076 persons, of whom 49,117 were born in Greenland; 6,959 were born outsi of Greenland, that is 12.4 per cent of the total population. Most persons i the latter category are of Danish origin, whereas 0.8 per cent of the total population - representing 40 different nationalities - do not have Danish citizenship.

316. Greenlandic is the main language, but the terms of the Home Rule Act require that Danish be also taught in schools. In official contexts, both Danish and Greenlandic can be used. According to a survey on living conditi carried out by statistics Greenland in spring 1994, the sociolinguistic patte of the population is as follows: 35 per cent speak Greenlandic and have no Danish at all, 34 per cent speak Greenlandic as their first language and understand and speak Danish, 12 per cent describe themselves as bilingual (Greenlandic and Danish), 4 per cent speak Danish as their first language an understand and speak Greenlandic, 11 per cent speak Danish and have no or ve little Greenlandic, and 4 per cent do not specify their linguistic affiliati In total, 85 per cent of the population speaks and understands Greenlandic.

317. About two thirds of the workforce is employed in the public service. However, the official economic development strategy gives priority to the development of three pillars, namely fishing, tourism and mineral resources, order to diversify the economy.

318. Greenland is a constituent part of the Kingdom of Denmark. The application of self-government, Greenland Home Rule, has given the people of Greenland both a right and an obligation to govern its own affairs. The fundamental principle of home rule is that the administration of local and national matters is the responsibility of the home rule authorities, while matters of sovereignty, security and defence, justice and monetary policies a the responsibility of the Danish authorities.

319. The Parliament of Greenland is elected for four-year terms. It is the supreme political authority for areas which have been transferred to home ru and, as such, it lays down the rules for those areas. The Parliament is composed of 31 elected representatives. Transcripts of parliamentary meetin are published in both Greenlandic and Danish. Greenland elects two members t the Danish Parliament at each general election.

320. The Parliament elects an executive branch, the Government of Greenland, which is responsible for central administration. The government is headed b the premier, who is in charge of relations between national and local authorities and of issues relating to mineral resources and foreign affairs. The other executive branches are the Ministry of Finance and Housing, the Ministry of Tourism, Transportation, Trade and Communications, the Ministry

Fisheries, Natural Resources, Industry and Agriculture, the Ministry of Health, Research, Environment and Nature, the Ministry of Cultural Affairs, Education and Ecclesiastical Affairs, and the Ministry of Social Affairs, Labour and Public Works.

321. An Ombudsman operates under the auspices of the legislative assembly. The primary function of the Ombudsman is to investigate complaints lodged against any public administration. According to the third annual report of the Ombudsman, covering the period from 1 January to 31 December 1997, 112 cases were concluded in the light of complaints received. In addition, 9 specific cases were concluded on the initiative of the Ombudsman, 76 complaints were dismissed and 16 cases closed. There were 119 cases not concluded as of 31 December 1997. The rise in the number of complaints concerning the public service must be seen in the light of the fact that the powers of the Ombudsman were extended as of 1 January 1997 to include public housing administered by the Housing Corporation.

Article 2

322. In 1990, the Greenland Parliament adopted the Greenland Parliament Act No. 5 of 14 May 1990, thereby eliminating the former "birthplace criterion" granting special rights and benefits to non-native civil servants employed in the public administration, and as such perceived as highly discriminatory.

323. As to paragraph 2, no legislation implies any kind of discrimination within the borders of Greenland in terms of race, colour, language, religion, political or other opinion, national or social origin, birth or other status.

324. However, it should be noted that the Greenland Parliament Act No. 27 of 30 October 1992 on the regulation of the increase in the labour force in Greenland contains provisions ensuring that the local population has priority in relation to jobs where the supply of indigenous labour is inadequate. An employer must therefore contact the local labour market office to apply for permission to employ non-local manpower in such positions. Such permission will be granted if no indigenous manpower or manpower with special affiliation with Greenland can be provided via a job centre.

325. The Act places indigenous and other manpower on an equal footing in cases where a non-indigenous person has lived in Greenland for at least 7 out of 10 years or has a special affiliation with Greenland, for example through family ties.

326. The Act should be seen in the light of Greenland's special constitutional status within the Kingdom of Denmark, where Greenland is regarded as an autonomous area which differs from the rest of Denmark in terms of language, culture and, in certain aspects, development. Like developing countries, Greenland has special needs relating to the education and employment of the native population.

Article 4

327. According to the Criminal Code for Greenland, discrimination based on race, et.al., a person who publicly or with the intent to disseminate to a

greater circle, expresses or in any other way proclaims a statement by which a group of persons are threatened, ridiculed, or demeaned because of race, skin colour, national, ethnic origin or belief shall be sentenced.

Article 5

Article 5 (e)

328. Anyone who has Danish citizenship, meets the voting-age requirement for elections to the Danish Parliament and has had permanent residency in Greenland for a minimum of six months before an election has the right to vote and stand for election to the Greenland Parliament.

329. As for elections to municipal councils, village councils and parochial representations: anyone who meets the voting-age requirement for elections to the Danish Parliament, has had permanent residency in the municipality concerned for a minimum of six weeks before the election or (i) has Danish citizenship and has had permanent residency in Greenland for a minimum of six months before the election or (ii) has had permanent residency within the Kingdom for a minimum of three years and has had permanent residency in Greenland for a minimum of six months before the election, has the right to vote and stand for election.

330. It should be noted in this regard, that the Home Rule Act, section 9 (1) proclaims that Greenlandic is the principal language, while Danish must be thoroughly taught. Thus, Greenlandic and Danish are the official languages of Greenland. The Greenland Parliament sessions are conducted in Greenlandic with simultaneous translation into Danish. According to the Greenland Parliament rules of procedure all documents must be made available to the public in both official language.

Article 5 (e) (ii)

331. There is nothing in the law which prevents membership of a labour organization, the establishment of a labour organization or join efforts by labour organizations. Likewise, there is nothing in the law which prevents collective strikes. However, such strikes are not allowed in the case of civil servants.

332. Collective agreements applying to all of Greenland have been made with about 35 labour organizations, of which most are based in Greenland. The two major labour organizations are the Labour Federation and the National Federation of Civil Servants.

333. As to the private labour market, there exist a range of employee organizations. The major organizations are the Employee Organization of Greenland, the Organization of Trade, Service and Transportation Branches of Greenland, the Association of High Sea Trawler Owners, and the Association of Fishermen and Hunters of Greenland. Recently a new employee organization, the Association of Inuit Employers, was established. The purpose of the organization is to represent the interests of Inuit employees and to represent the views of its mainly indigenous membership.

Article 5 (e) (iii)

334. Most housing constructed in Greenland is partly or fully financed by public funds, i.e. by the Government of Greenland and the municipalities. This applies to rental housing, cooperative housing and single-family housing.

335. The responsibility for housing was transferred from the Government of Denmark to the Government of Greenland in 1987. Since then, the Government of Greenland has laid down the rules in this area.

336. The objective in relation to housing in Greenland is that there should be a dwelling for each cohabiting couple, as well as a dwelling for all single people above the age of 20.

337. The construction of publicly financed housing is governed by Greenland Parliament Regulation (GPR) No. 1 of 9 April 1992 concerning subsidies for the construction of housing and by GPR No. 1 of 31 October 1991 concerning cooperative housing. The renting of dwellings is subject to GPR No. 3 of 13 June 1994 concerning the renting of dwellings.

338. The Government of Greenland can provide subsidies to the municipalities for the construction, expansion or renovation of rental dwellings. The condition for providing the subsidy is that it should be for independent housing units without any luxurious characteristics and with commonly used installations.

339. The housing units should be adapted so that the units meet the needs of the different groups of applicants, be they single people, families or elderly people. A number of units can be adapted for persons with disabilities, including wheelchair users.

340. In rental housing units, subsidies are provided for families and individuals with children, in order to reduce the rent: 10 per cent of the rent can be deducted from the rent for each child, the condition being that each child must be living at home and be under the age of 18. The rule applies to a maximum of six children. The subsidy is given without any consideration of the income of parent(s).

341. In accordance with GPR NO. 1 of 17 October 1983, a housing subsidy can be given to persons who rent housing units, as well as to persons who own subsidized dwellings provided that the income of the household is below a certain limit determined by the Parliament. A housing subsidy is provided on the basis of an assessment of the size of the household compared to the size of the housing unit, and the amount of the rent compared to the income of the household.

Article 5 (e) (iv)

342. When Greenland took over the health services from the Government of Denmark on 1 January 1992, Greenland adopted the objective of the World Health Organization (WHO) "Health for All by the Year 2000". All citizens of Greenland must therefore be given the best possible opportunities to achieve a good standard of living by having access to the services offered by the health

sector. As an element to achieve the WHO objective, a wide range of health services are offered free of charge. Health education in Greenland is being strengthened on an ongoing basis. The objective is to adapt such education to conditions in Greenland and at the same time ensure a high stands of health services.

343. The services provided by the health authorities in Greenland are regularly assessed and made more efficient and effective. Since the take-over of the health services, the following Greenland Parliament Regulations have been adopted in this area:

GPR No. 8 of 30 October 1992, revised on 31 October 1996, concerning health services, etc. This regulations establishes the overall guidelines for health services in Greenland and describes the services offered to citizens. The legislation also includes rules on the authorization of health sector personnel, rules concerning job areas to be covered by health staff and rules concerning vaccination, medicine and transport to hospitals;

GPR No. 7 of 30 October 1992, revised on 31 October 1996, concerning the management and organization of the health sector, contains overall guidelines on the organization and structure of the health sector, including parliamentary monitoring of the health sector. The legislation comprises rules on the division of the country into districts and the functions to be carried out by hospitals and, in addition, rules concerning district health boards, including a number of rules on preventive measures;

GPR No. 7 of 30 October 1995 concerning the authorization and activity of nurses is the first regulation of its kind where the government of Greenland itself educates and authorizes nurses. The legislation outlines the conditions for acting as a nurse in Greenland, how authorization as a nurse can be revoked and re-issued and the general duties and responsibilities of nurses. In the long run, it is the intention that authorization of other medical personnel as doctors, dentists etc. also shall be subject to regulation by the Greenland authorities. At the moment, this is taken care of by the Danish health authorities;

GPR No. 1 of 4 January 1996 concerning the activities of the Chief Medical Officer defines the organization of the office in relation to the government of Greenland and internally, the responsibility of the Chief Medical Officer to advise and assist the Minister of Health on medical affairs, to supervise the health staff and institutions in accordance with current public health policy, and to inform the public when special health issues make this necessary. The Chief Medical Officer receives complaints from patients and forwards these to the National Health Complaint Board for final decision. Finally, the Chief Medical Officer has responsibilities for forensic medicine, socialized medicine and for certain hygienic and environmental tasks.

344. On the basis, the Greenland health system renders public health services to all its citizens. In case of severe illnesses of patients living in towns or settlements along the coast, where local hospital resources do not suffice, the

patients are transferred to the general hospital in Nuuk for treatment. In the most severe cases which cannot be handled in the General Hospital either, the patient is then transferred to hospitals outside Greenland, preferably in Denmark where the government of Greenland has made agreements with a number of hospitals and institutions to receive patients from Greenland and where a patient hotel is available.

345. This includes psychiatric patients committed to a psychiatric hospital by court order, since there is no such psychiatric ward to receive these patients in Greenland at the moment. However, the Government of Greenland has decided to commence on the first steps towards bringing these patients back to Greenland, including finding a proper location, education of relevant staff, etc.

Article 7

Teaching and education

346. The rules concerning primary education in Greenland are fully comparable to those applying to Danish public schools.

347. Primary education in Greenland is governed by GPR No. 10 of 25 October 1990 concerning primary and lower secondary education, as amended by GPR No. 8 of 13 May 1993 and GPR No. 1 of 1 March 1994.

348. In accordance with GPR No. 10 of 25 October 1990, language integration in primary and lower secondary education is compulsory for all students, the objective being to integrate students of indigenous origin and those of non-indigenous origin in one class, whereas in the past they were divided according to their first language. The aim of this policy is to integrate the students of non-indigenous origin with the students of indigenous origin in terms of language, culture and social status.

349. Any child living in Greenland is subject to compulsory education as from the year in which the child reaches the age of six and for the nine years thereafter. In addition, the compulsory system implies a duty to participate in the education provided by the primary and lower secondary public education system, or in education equivalent to the standards of the primary and secondary public education system.

350. A student may be exempted from classes of Christian studies if his or her parents declare in writing to the head of the school that they are willing to ensure the religious education of the child themselves.

351. In Greenland, secondary education mainly means vocational training and education, governed by legislation, including GPR No. 16 of 28 October 1993 concerning vocational training and education, education grants and occupation counselling. Vocational training and education is available to all individuals who meet the stipulated requirements for admission, who have been residents of Greenland or have had permanent residency in Greenland for at least 10 years, and who have not been resident outside Greenland for more than three years.

352. The financial aspect of this policy is the right to study grants. GPR No. 16 of 28 October 1993, establishes the following requirements in order to obtain

study grants: (i) Danish citizenship, (ii) permanent residency in Greenland at the time of application and residency in Greenland for at least 10 years with no more than three years spent outside Greenland. In order to modify the position of preference of Danish citizens, the rules were amended by Home Rule Administrative Order No. 3 of 6 February 1998. At present, study grants are provided for all types of education listed in the reference guides Sunngorlangatog and Periarfissat. However, the Ministry of Cultural Affairs, Education and Ecclesiastical Affairs may decide that other types of education are also eligible for study grants. In addition, grants may be provided for continued education, i.e. general school-leaving education (FSA), advanced school-leaving examination (FSUA), grammar school (GU) and the higher preparatory examination (HF).

353. Students in Greenland may also apply for admission to institutions of education in Denmark and abroad. For admission to Danish educational institutions, applicants from Greenland apply on equal terms with Danish applicants. Study grants are also provided for students admitted to Danish and foreign educational institutions.

354. Subjects such as racial discrimination are recommended to be taught as part of the curriculum, for example the curriculum for English at the primary and lower secondary level in accordance with GPR No.15 of 1987.

Culture

355. As a bilingual society, the peaceful coexistence of both official languages is of mutual benefit. The Parliament has initiated a Language Secretariat, which will come into effect in 1999. The primary function of the body will be to document and register all written and spoken Greenlandic. However, another function will be monitor the official languages in order to secure equity.

356. The legislation in force in Greenland does not contain any provisions limiting the right to take part in cultural life. There is freedom of association.

357. Several nation-wide artistic and cultural organizations, instructions and associations receive grants provided under the Fiscal Budget Act adopted by the Parliament under the headings of other leisure activities, culture, and general education and public information.

358. The "cultural activities" account is used for grants for all kind of cultural activities. Grants are typically given to cultural organizations and associations, or to individuals for special projects. The "support to artists" account is used for work grants to artists in the areas of visual art, literature, music, arts and crafts, artistic design and cultural research. The government of Greenland also provides grants for meeting facilities and community centres, as well as to Greenlandic community centres in Denmark. Grants are provided to local artists and cultural organizations in pursuance of GPR No.5 of 9 April 1992 concerning leisure activities.

359. Public libraries in Greenland are obliged to promote information, education and cultural activities by placing books and other suitable material

at the disposal of all interested parties free of charge and through information activities. When selecting materials, libraries must place emphasis on quality, versatility and topicality. No political or religious censorship is allowed.

360. There is freedom of religion in Greenland. The Lutheran Church is part of the Danish Lutheran Church, operating independently. The Lutheran Church is financed through the annual fiscal budget.

361. Cultural cooperation between Greenland and foreign countries is ensured through a number of cooperation agreements, for example with the Nordic countries, the Northwest Territories of Canada, Iceland and the Faroe Islands. Cultural cooperation with Inuit and other indigenous peoples in the Arctic is in part organized by the Inuit Circumpolar Conference, the international organization of Inuit.

Broadcasting

362. Kalaallit Nunaata Radioa (KNR) is an independent public service entitled and obliged to broadcast nationwide radio and television programmes, including news. When deciding on the range of programmes to be broadcast, emphasis must be placed on objectivity and impartiality. Special emphasis must be placed on the requirement of freedom of information and speech.

363. In addition to KNR, a number of community radio and television stations have been established. The association of local community radio and television stations has entered into an agreement with KNR thus making it possible to broadcast community programmes nationwide at certain times each week.

364. A regulatory statute on the Media has been drafted. An Accountability Law came into force in 1997.

Knowledge of the Convention

365. At the moment, the Convention has not been translated into Greenlandic, the indigenous language of Greenland.

IV. REPORTING ON THE FAROE ISLANDS

The constitutional position of the Faroe Islands

366. The Danish Constitution, including the provisions on civil rights, is also applicable to the Faroe Islands.

367. The home rule arrangement of the Faroe Islands was established by Act No. 137 of 23 March 1948 on Home Rule of the Faroe Islands. In accordance with this Act, the Faroe Islands are a self-governing community within the Danish Realm. A translation into English of the Home Rule Act is annexed.

368. In special Faroese matters, the Home Rule authorities have legislative as well as administrative authority. The Home Rule authorities consist of a popularly elected assembly-the Lagting - with up to 33 members, and an administration - the Landsstyre - established by the Lagting.

369. The Home Rule Act makes a distinction between fields or responsibility which are(potential)special matters handled by the Home Rule authorities and fields of responsibility which are joint matters and as a starting point are handled by the national authorities. In an annex to the Home Rule Act, the fields of responsibility which are special Faroese matters are listed as Lis and the fields of responsibility which, after negotiation between the Home R government and the national authorities, may be transferred as special matte are listed as List B. The majority of the matters mentioned in List A and several of the matters in List B (including raw materials in the subsoil) ha been transferred as special matters of the Faroe Islands. A list of the fie which have been taken over by the Home Rule government in accordance with sections 2 and 3 of the Act is annexed.

370. In accordance with section 9 of the Act, in addition to having the possibility of taking over a field of responsibility as a special matter, th Home Rule government may in agreement with the national authorities regardin the special Faroese conditions take over the legislative authority and administration of matters considered as joint matters. In accordance with th provision and framework laws passed by the Danish Parliament(Folketinget) th Home Rule Authority has taken over social and health matters and (in part)th education.

371. Among the most important joint matters, apart from foreign relations a security matters, are the administration of justice, including the rules of criminal procedure, legislation concerning personal, family and inheritance matters, and legislation relating to aliens. The implementation of the Convention in national law in these fields rests with the national authoriti

372. In accordance with section 2 of the Home Rule Act, the Home Rule government takes on the expenses involved when taking over a field of responsibility as a special Faroese matter. However, the Danish Government subsidizes to some extent the areas of joint matters the administration of w the Home Rule government has taken over under section 9 of the Act.

Submission of national legislation to the Home Rule government and promulgat of legislation in the Faroe Islands

373. In accordance with section 7 of the Home Rule Act, national government bills which contain provisions relating exclusively to the Faroe Islands mus put before the Home Rule government for comments. Other national legislatio must be submitted to the Home Rule government before it comes into force in Faroe Islands. The same procedure applies with regard to treaties and other international agreements. Submission to the Home Rule government is normall done by the ministries concerned.

374. According to Lagting Act No.109 of 17 December 1987 the Landsstyre iss a publication, Kunngerdabladid, in which the legislation of the Home Rule is announced in the Faroe Islands. Publication in the Kunngerdabladid is the o binding way of announcing Home Rule legislation. According to the Act it is also possible to announce in the Kunngerdabladid the legislation of the nati authorities which shall also apply to the Faroe Islands. In accordance with agreement between the Home Rule government and the national authorities, thi possibility has been made use of under Act L 735 of 6 December 1989, in

accordance with which the said legislation is now also published in the Kunngerdabladid.

375. In accordance with section 11 of the Home Rule Act, the Faroese language is the principal language, but Danish must be learnt well and carefully, and Danish may be used as well as Faroese in public affairs. The legislation of the national authorities is submitted to the Faroese authorities, including Lagting in Danish and the subsequent publication in the Landsstyre's Kunngerdabladid is also in Danish.

The legal position in the Faroe Islands relating to the Convention in fields which are handled as joint matters by the national authorities

376. The court of the Faroe Islands is an independent jurisdiction within the Danish court system and the police in the Faroe Islands form an independent police district under the Danish National Commissioner of Police and the Ministry of Justice. The administration of justice in the Faroe Islands is, with adjustments to the special Faroese conditions, based on the Danish administration of justice and is in accordance with Danish legal principles and standards.

377. The principle of non-discrimination contained in article2, paragraph 1, of the Convention has been implemented in the Faroe Islands inter alia through section 266 b of the Danish Criminal Code, in accordance with which any person who, publicly or with the intent of propagating them to a wider circle, makes statements or any other communications by which a group of persons is threatened, insulted or denigrated on account of their race, colour, national or ethnic origin, beliefs or sexual orientation, shall be liable to a fine, simple detention or imprisonment for up to two years.

The legal position in the Faroe Islands relating to the provisions of the Convention where the Home Rule government has the legislative and administrative authority

378. No Faroese legislative provisions discriminate on the basis of race, colour, sex, language, religion, political or other belief, national or social origin, financial circumstances, birth or other status.

379. Everyone who lawfully resides in the Faroe Islands may, subject to the restrictions which follow the rights and freedoms of others, freely move around and choose his or her residence in the islands. In accordance with Lagting Act No.86 of 1 June 1982 everyone who moves has, however, to register the removal at the local registration office.

380. The rules concerning the administration of the Faroe Islands are laid down in Lagting Act No.103 of 26 July 1994. The first section of this act provides that the legislative authority concerning matters which have been taken over by the Home Rule Government is shared by the Lagting and the Lagmand(the Premier). The legislative competence of the Lagmand is confined to confirming acts passed by the Lagting.

381. In accordance with the Act on the administration of the Faroe Islands, everyone who has reached the age of 18 years, has Danish citizenship and

permanent residence in the Faroe Islands has the right to vote for the Lagting unless the person in question has been placed under the care of legal guardians. Everyone who has a right to vote for the Lagting is also eligible for election to the Lagting, unless the person in question has been punished for an act which in the general opinion makes him unworthy of being a member of the Lagting. It is further laid down in the Act that the Lagting is elected by general, secret and direct elections. Detailed provisions regarding the exercise of the right to vote are laid down in the Lagting Voting Act. The members of the Lagting are elected for a period of four years.

382. The administration of local affairs is the responsibility of the municipalities, which are government by local councils. In accordance with the Local Government Election Act, these councils are elected by general, secret and direct elections for a term of four years. Everyone who has reached the age of 18 years and otherwise meets the conditions for voting, is eligible for election to the Lagting and registers at the local registration office not later than seven days before the day of election has the right to vote and to stand for election in local government elections. Citizens of the other Nordic countries may also vote in local government elections, notwithstanding the requirement of Danish citizenship, provided they have resided in the Faroe Islands for the three years before the election.

383. Lagting Act No 31 of 5 July 1971 on civil servants established rules to ensure that employment in public service under the Home Rule is based on general equality. A person whose age, health and education enable him or her to discharge the duties in question may be employed as a civil servant in accordance with section 4 of the Act. In accordance with section 5 of the Act employment takes place after public notice unless the person in question is employed after having been engaged on probation.

List of annexes*

Home Rule Act of the Faroe Islands No. 137 of 23 March 1948

The Home Rule Act of the Faroe Islands Survey over special matters and joint matters administered by the Home Rule Government according to section 9 of the Home Rule Act

Strategy paper on Copenhagen Police relations with ethnic minorities

* The annexes are available for consultation in the Secretariat.